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16 SAN DIEGO COASTKEEPER and COASTAL ENVIRONMENTAL RIGHTS
17 FOUNDATION

18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20 SAN DIEGO COASTKEEPER, a non-profit
21 corporation; COASTAL
22 ENVIRONMENTAL RIGHTS
23 FOUNDATION,
24 a non-profit corporation,

25 Plaintiffs,

26 v.

27 22nd District Agricultural Association; a
28 California state agency,

Defendant.

Civil Case No.: **'17CV2448 CAB BGS**

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF AND
CIVIL PENALTIES**

**(Federal Water Pollution Control Act,
33 U.S.C. § 1251 *et seq.*)**

1 Coastal Environmental Rights Foundation, (“CERF”) and San Diego Coastkeeper
2 (collectively referred to herein as “Plaintiffs”), by and through their counsel, hereby
3 allege:

4 **I. JURISDICTION AND VENUE**

5 1. This is a civil suit brought under the citizen suit enforcement provisions of
6 the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* (the “Clean Water
7 Act” or the “CWA”). This Court has subject matter jurisdiction over the parties and this
8 action pursuant to Section 505(a)(1) of the CWA, 33 U.S.C. § 1365(a)(1), and 28 U.S.C.
9 § 1331 and § 2201 (an action for declaratory and injunctive relief arising under the
10 Constitution and laws of the United States).

11 2. On May 12, 2016, Plaintiffs issued a 60-day notice letter (“Notice Letter”)
12 to Defendant 22nd District Agricultural Association (“Defendant” or “22nd Ag District”),
13 owner and operator of the Del Mar Fairgrounds and Racetrack, regarding its violations
14 of the Clean Water Act, and of Plaintiffs’ intention to file suit against Defendant. The
15 Notice Letter was sent to the registered agent for Defendant as required by 40 C.F.R. §
16 135.2(a)(2), the facility, as well as the Administrator of the United States Environmental
17 Protection Agency (“EPA”), the Administrator of EPA Region IX, the Executive
18 Director of the State Water Resources Control Board (“State Board”), and the Executive
19 Officer of the Regional Water Quality Control Board, San Diego Region (“Regional
20 Board”) as required by CWA, 33 U.S.C. § 1365(b)(1)(A). A true and correct copy of the
21 Notice Letter is attached hereto as Exhibit A and incorporated herein.

22 3. More than sixty days has passed since the Notice Letter was served on
23 Defendant and the State and Federal agencies. Plaintiffs are informed and believe, and
24 thereon allege, that neither the EPA nor the State of California has commenced or is
25 diligently prosecuting an action to redress the violations alleged in this complaint. (33
26 U.S.C. § 1365(b)(1)(B)). This action is not barred by any prior administrative penalty
27 under Section 309(g) of the CWA, 33 U.S.C. § 1319(g).

28 4. Venue is proper in the Southern District of California pursuant to Section

505(c)(1) of the CWA, 33 U.S.C. § 1365(c)(1), because the sources of the violations are located within this judicial district.

II. INTRODUCTION

5. This complaint seeks relief for the Defendant's unlawful discharge of pollutants into waters of the United States from its operations at 2260 Jimmy Durante Blvd, Del Mar California 92104 ("Del Mar Fairgrounds and Racetrack" or "Facility"). Specifically, Defendant has been discharging and continues to discharge polluted stormwater from its Facility into storm drains, Stevens Creek, San Dieguito River, San Dieguito Lagoon, and the nearby Pacific Ocean (collectively referred to as the "Receiving Waters") in violation of the express terms and conditions of Sections 301 and 402 of the Clean Water Act, 33 U.S.C. §§ 1301, 1342. This complaint also seeks relief for Defendant's violations of the filing, monitoring, reporting, discharge and management practice requirements, and other procedural and substantive requirements of California's General Permit for Discharges Associated with Industrial Activities (*National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001, State Water Resources Control Board Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ and Order No. 2014-0057-DWQ*) ("Industrial Permit"). This complaint further seeks relief to prevent discharges in violation of the Industrial Permit as amended by *Order No. 2014-0057-DWQ* (New Industrial Permit). These are ongoing and continuous violations of the Clean Water Act and the Industrial Permit. Plaintiffs seek a declaratory judgment, injunctive relief, the imposition of civil penalties, and the award of costs, including attorney and expert witness fees, for Defendant's repeated and ongoing violations of the Clean Water Act.

6. With every rainfall event, hundreds of millions of gallons of polluted rainwater, originating from industrial operations such as the Del Mar Racetrack, flow into storm drain systems, local tributaries including Stevens Creek, San Dieguito River, San Dieguito Lagoon, and ultimately the Pacific Ocean. San Dieguito Lagoon is a State Marine Conservation Area and as an Ecological Reserve, is an ecologically sensitive

1 area providing essential habitat for dozens of fish and hundreds of bird species as well
2 as macro-invertebrate and invertebrate species. This discharge of pollutants in storm
3 water from industrial activities such as the Del Mar Fairgrounds and Racetrack
4 contributes to the impairment of downstream waters and compromises or destroys their
5 beneficial uses.

6 **III. PARTIES**

7 **A. San Diego Coastkeeper and Coastal Environmental Rights Foundation**

8 7. Plaintiff San Diego Coastkeeper is a non-profit public benefit corporation
9 organized under the laws of the State of California.

10 8. San Diego Coastkeeper is committed to protecting and restoring the San
11 Diego region's water quality and supply. A member of the international Waterkeeper
12 Alliance, San Diego Coastkeeper's main purpose is to preserve, enhance, and protect the
13 San Diego's marine sanctuaries, coastal estuaries, wetlands and bays from illegal
14 dumping, hazardous spills, toxic discharges and habitat degradation. Coastkeeper
15 implements this mission through outreach and education programs that work to prevent
16 water pollution, as well as community activism, participation in governmental hearings,
17 and prosecuting litigation to ensure that San Diego's beaches, bays, coastal waters and
18 tributary streams and rivers meet all substantive water quality standards guaranteed by
19 Federal, State and local statutes and regulations. When necessary, Coastkeeper directly
20 initiates enforcement actions on behalf of itself and its members.

21 9. San Diego Coastkeeper's office is located at 2825 Dewey Road, Suite 200,
22 San Diego, California, 92106.

23 10. Plaintiff CERF is a non-profit public benefit corporation organized under
24 the laws of the State of California.

25 11. CERF's office is located at 1140 South Coast Highway 101, Encinitas
26 California, 92024.

27 12. CERF was founded by surfers in North San Diego County and active
28 throughout California's coastal communities. CERF was established to aggressively

1 advocate, including through litigation, for the protection and enhancement of coastal
2 natural resources and the quality of life for coastal residents. One of CERF's primary
3 areas of advocacy is water quality protection and enhancement.

4 13. Plaintiffs have thousands of members who live and/or recreate in and
5 around Stevens Creek, San Dieguito River, San Dieguito Lagoon, and the Pacific Ocean
6 (Receiving Waters).

7 14. Plaintiffs' members use and enjoy the Receiving Waters to fish, sail, boat,
8 kayak, paddle board, surf, swim, hike, view wildlife and scenery, and engage in
9 scientific studies, among other activities.

10 15. Discharges of polluted stormwater from the Del Mar Fairgrounds and
11 Racetrack degrade water quality, harm aquatic life in the Receiving Waters, and impair
12 Plaintiffs' members' use and enjoyment of the Receiving Waters.

13 16. Defendant's polluted discharges from the Del Mar Fairgrounds and
14 Racetrack are ongoing and continuous. Thus, the interests of Plaintiffs' members have
15 been, are being, and will continue to be adversely affected by Defendant's failure to
16 comply with the Clean Water Act and the Industrial Permit.

17 17. The relief sought herein will redress the harms to Plaintiffs caused by
18 Defendant's activities. Continuing commission of the acts and omissions alleged above
19 will irreparably harm Plaintiffs' members, for which harm they have no plain, speedy or
20 adequate remedy at law.

21 **B. The Del Mar Fairgrounds and Racetrack Owners and/or Operators**

22 18. Plaintiffs are informed and believe that 22nd District Agricultural
23 Association is a state agency formed under Cal. Food & Agric. Code § 3951.

24 19. Plaintiffs are informed and believe that 22nd District Agricultural
25 Association is the owner of the Facility, which is located at 2260 Jimmy Durante Blvd,
26 Del Mar California 92104.

27 20. Plaintiffs are informed and believe that the 22nd District Agricultural
28 Association is the operator of the Facility, which is located at 2260 Jimmy Durante

1 Blvd, Del Mar California 92104.

2 **IV. STATUTORY BACKGROUND**

3 **A. The Clean Water Act**

4 21. Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), prohibits the
5 discharge of any pollutant into waters of the United States unless the discharge complies
6 with various enumerated sections of the CWA. Among other things, Section 301(a)
7 prohibits discharges not authorized by, or in violation of, the terms of an NPDES permit
8 issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

9 22. Section 402(p) of the CWA establishes a framework for regulating
10 municipal and industrial storm water discharges under the NPDES program. (33 U.S.C.
11 § 1342(p)). States with approved NPDES permit programs are authorized by Section
12 402(b) to regulate industrial storm water discharges through individual permits issued to
13 dischargers and/or through the issuance of a single, statewide general permit applicable
14 to all industrial storm water dischargers. (33 U.S.C. § 1342).

15 23. Section 402(b) of the CWA allows each state to administer its own EPA-
16 approved permit for storm water discharges. (33 U.S.C. § 1342(b)). In California, the
17 State Board is charged with regulating pollutants to protect California's water resources.

18 24. Section 301(b) requires that, by March 31, 1989, all point source
19 dischargers, including those discharging polluted stormwater, must achieve technology-
20 based effluent limitations by utilizing the Best Available Technology Economically
21 Achievable (BAT) for toxic and nonconventional pollutants and the Best Conventional
22 Pollutant Control Technology (BCT) for conventional pollutants. See 33 U.S.C. §
23 1311(b); 40 C.F.R. § 125.3(a)(2)(ii)-(iii).

24 25. Clean Water Act regulations 40 C.F.R. § 122.23, 40 C.F.R. 122.42(e), and
25 40 C.F.R. Part 412 require facilities designated as Concentrated Animal Feeding
26 Operations (CAFO) to obtain NPDES permit coverage.

27 26. NPDES permits covering CAFOs must include specific Effluent
28 Guidelines, Standards, and other requirements. (40 C.F.R. § 122.23, 40 C.F.R.

1 122.42(e), and 40 C.F.R. Part 412).

2 27. Any permit issued to a CAFO must meet the requirements of 40 C.F.R. §
3 122.42(e). Each permit must include a requirement to implement a nutrient
4 management plan that, at a minimum, contains best management practices necessary to
5 meet the requirements of applicable effluent limitations and standards, including those
6 specified in 40 C.F.R. part 412. (40 C.F.R. § 122.42(e)).

7 28. A CAFO owner or operator may be authorized to discharge under a
8 general permit only in accordance with the process described in 40 C.F.R. § 122.23(h).
9 (40 C.F.R. § 122.28).

10 29. Terms of the nutrient management plan are incorporated as terms and
11 conditions of the general permit for the Facility. (40 C.F.R. § 122.23(h)).

12 30. The Industrial Permit is a statewide general NPDES permit issued by the
13 State Board pursuant to Section 402 of the CWA that regulates the discharge of
14 pollutants from industrial sites. (33 U.S.C. § 1342).

15 31. Section 505(a)(1) of the CWA provides for citizen enforcement actions
16 against any “person” who is alleged to be in violation of an “effluent standard or
17 limitation... or an order issued by the Administrator or a State with respect to such a
18 standard or limitation.” (33 U.S.C. § 1365(a)(1)).

19 32. An action for injunctive relief under the CWA is authorized by 33 U.S.C.
20 § 1365(a).

21 33. Each separate violation of the Clean Water Act subjects the violator to a
22 penalty of up to \$37,500 per day per violation for all violations occurring after January
23 27, 2009 and \$51,750 for violations occurring after November 2, 2015. (33 U.S.C. §
24 1319(d); Adjustment of Civil Monetary Penalties for Inflation,
25 40 C.F.R. §19.4).

26 34. Section 505(d) of the Clean Water Act permits prevailing parties to
27 recover costs, including attorneys’ and experts’ fees. (33 U.S.C. § 1365(d)).

28 /./

B. Industrial Permit

35. The Industrial Permit, NPDES General Permit No. CAS000001, Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ and Order No. 2014-0057-DWQ is an NPDES permit adopted pursuant to Section 402 of the CWA, 33 U.S.C. § 1342(b) and 40 C.F.R. § 123.25. In order to discharge storm water lawfully in California, industrial dischargers must secure coverage under the Industrial Permit and comply with its terms, or obtain and comply with an individual NPDES permit. The Industrial Permit as amended pursuant to Order No. 2014-0057-DWQ became effective July 1, 2015 (“New Industrial Permit”).

36. Failure to comply with the Industrial Permit or New Industrial Permit constitutes a Clean Water Act violation. (Industrial Permit, § C.1; New Industrial Permit §XXI.A.).

Discharge Prohibitions and Effluent Limitations of the Industrial Permit

37. Discharge Prohibitions A(1) of the Industrial Permit and III.B. of the New Industrial Permit prohibit the direct or indirect discharge of materials other than storm water (“non-storm water discharges”), which are not otherwise regulated by an NPDES permit, to the waters of the United States. Discharge Prohibitions A(2) of the Industrial Permit and III.C. of the New Industrial Permit prohibit storm water discharges and authorized non-storm water discharges which cause or threaten to cause pollution, contamination, or nuisance.

38. Effluent limitations B(3) of the Industrial Permit and Sections I.D and V.A. of the New Industrial Permit require facility operators to reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges through the implementation of Best Available Technology Economically Achievable (“BAT”) for toxic pollutants and Best Conventional Pollutant Control Technology (“BCT”) for conventional pollutants. Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others. Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biological oxygen demand

1 (“BOD”), total suspended solids (“TSS”), oil and grease (“O&G”), pH, and fecal
2 coliform, among others.

3 39. EPA’s NPDES Multi-Sector General Permit for Stormwater Discharges
4 Associated With Industrial Activity (“MSGP”) sets numeric benchmarks for pollutant
5 concentrations in stormwater discharges (“EPA Benchmarks”).

6 40. The EPA Benchmarks provide an objective standard to determine whether a
7 facility’s Best Management Practices (“BMPs”) are successfully developed and/or
8 implemented. *See* EPA Proposed Multi-Sector General Permit (2013), Fact Sheet, p. 50;
9 *see also*, EPA Multi-Sector General Permit (2008), Fact Sheet, p. 106; EPA Multi-Sector
10 General Permit, 65 Federal Register 64839 (2000).

11 41. The Section I(M) and Finding 62 of the New Industrial Permit include
12 Numeric Action Levels (NALs) that are based on Benchmarks. Like Benchmarks, the
13 NALs indicate “the overall pollutant control performance at any given facility”. *See*
14 Section I(M) (Finding 61) of the New Permit.

15 42. Discharges from an industrial facility containing pollutant concentrations
16 that exceed EPA Benchmarks indicate that the facility has not developed and/or
17 implemented BMPs that meet BAT for toxic pollutants and BCT for conventional
18 pollutants. *Id.*

19 43. Effluent limitations B(1) of the Industrial Permit and Sections I.K and
20 V.B. of the New Industrial Permit require facility operators of facilities in specific
21 industrial categories to comply with Effluent Limitations Guidelines at 40 C.F.R.
22 Chapter 1 Subchapter N (Subchapter N).

23 44. CAFOs are industrial facilities designated under 40 C.F.R. Part 412 and
24 are subject to Effluent Limitations Guidelines found in 40 C.F.R. Chapter I Subchapter
25 N. (*See* Attachment A to the General Industrial Permit, “Facilities Covered by National
26 Pollution Discharge Elimination System General Permit for Storm Water Discharges
27 Associated with Industrial Activities (General Permit)”).

28 /././

Receiving Water Limitations of the Industrial Permit

45. Industrial Permit Receiving Water Limitation C(1) and New Industrial Permit Receiving Water Limitation VI.B. prohibit storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impacts human health or the environment.

46. Industrial Permit Receiving Water Limitation C(2) and New Industrial Permit Receiving Water Limitation VI.A. prohibit storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable water quality standard in a Statewide Water Quality Control Plan or the applicable Regional Board's Basin Plan.

47. Water Quality Standards ("WQS") are pollutant concentration levels determined by the State Board, the various regional boards, and/or the EPA to be protective of the beneficial uses of the waters that receive polluted discharges.

48. WQS applicable to dischargers covered by the Storm Water Permit include, but are not limited to, those set out in the *Water Quality Control Plan for the San Diego Basin*, California Regional Water Quality Control Board, San Diego Region ("Basin Plan"), and in the Criteria for Priority Toxic Pollutants for the State of California ("CTR"), 40 C.F.R. § 131.38.

49. The CTR includes numeric criteria set to protect human health and the environment in the state of California.¹

50. The Basin Plan identifies the "Beneficial Uses" of water bodies in the region.

51. The Beneficial Uses for Receiving Waters near the point at which they receive polluted storm water discharges from the Facility include: Preservation of Biological Habitats of Special Significance; Water Contact Recreation; Non-contact

¹ Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants for the State of California Factsheet, EPA-823-00-008, April 2000 *available at*: <http://water.epa.gov/lawsregs/rulesregs/ctr/factsheet.cfm>.

1 Water Recreation; Wildlife Habitat; Estuarine Habitat; Marine Habitat; Migration of
2 Aquatic Organisms; Spawning, Reproduction, and/or Early Development; Warm
3 Freshwater Habitat, and Rare, Threatened, or Endangered Species. *See* Basin Plan at
4 Table 2-3.

5 52. A surface water that cannot support its Beneficial Uses listed in the Basin
6 Plan is designated as an impaired water body pursuant to Section 303(d) of the Clean
7 Water Act, 33 U.S.C. § 1313(d).

8 53. Discharges of pollutants at levels above WQS, including the CTR,
9 contribute to the impairment of the Beneficial Uses of the waters receiving the
10 discharges.

11 54. The San Dieguito River is on the 303(d) list as impaired for enterococcus,
12 fecal coliform, nitrogen, phosphorous, total dissolved solids, and toxicity.

13 55. The Pacific Ocean shoreline at the San Dieguito Lagoon Mouth is on the
14 303(d) list as impaired for fecal coliform, enterococcus, and total coliform.

15 56. Discharges with pollutant levels in excess of the CTR criteria, the Basin
16 Plan, and/or other applicable WQS are violations of Receiving Water Limitation C(2) of
17 the Storm Water Permit.

18 **Storm Water Pollution Prevention Requirements of the Industrial Permit**

19 57. Section A(1) and Provision E(2) of the Industrial Permit require
20 dischargers to have developed and implemented a Storm Water Pollution Prevention
21 Plan ("SWPPP") by October 1, 1992, or prior to beginning industrial activities, that
22 meets all the requirements of the Industrial Permit. Sections X.A. and B. of the New
23 Industrial Permit require development and implementation of site-specific SWPPPs by
24 July 1, 2015 or upon commencement of industrial activity.

25 58. The objective of the SWPPP is to identify and evaluate sources of
26 pollutants associated with industrial activities that may affect the quality of storm water
27 discharges from the Sites, and identify and implement site-specific Best Management
28 Practices ("BMPs") to reduce or prevent pollutants associated with industrial activities

1 in storm water discharges. (Industrial Permit, Section A(2); New Industrial Permit,
2 Section X.C.1).

3 59. To ensure its effectiveness, the SWPPP must be evaluated on an annual
4 basis, and it must be revised as necessary to ensure compliance with the Permit.
5 (Industrial Permit, Sections A(9), (10); New Industrial Permit, Sections XA. And
6 X.B.1.).

7 60. Sections A(3) through A(10) of the Industrial Permit and Sections X.A to
8 X.I. of the New Industrial Permit set forth the requirements for a SWPPP.

9 61. The SWPPP must include a site map showing the facility boundaries,
10 storm water drainage areas with flow patterns, nearby water bodies, the location of the
11 storm water collection, conveyance and discharge system, structural control measures,
12 areas of actual and potential pollutant contact, and areas of industrial activity. (Industrial
13 Permit, Section A(4); New Industrial Permit, Section X.E.).

14 **Monitoring and Reporting Requirements of the Industrial Permit**

15 62. Dischargers are also required to prepare and implement a monitoring and
16 reporting program ("M&RP"). (Industrial Permit, Sections E(3), B(1); New Industrial
17 Permit, Section XI).

18 63. The objectives of the M&RP are to ensure that BMPs have been
19 adequately developed and implemented, revised as necessary, and to ensure that storm
20 water discharges are in compliance with the Industrial Permit (up to July 1, 2015) and
21 New Industrial Permit (July 1, 2015 and thereafter) Discharge Prohibitions, Effluent
22 Limitations, and Receiving Water Limitations. (Industrial Permit, Section B(2); New
23 Industrial Permit, Finding J.56).

24 64. The M&RP aids in the implementation and revision of the SWPPP and
25 measures the effectiveness of BMPs to prevent or reduce pollutants in stormwater
26 dischargers. (Industrial Permit, Sections B(2)(a) and B(2)(d); New Industrial Permit
27 Section XX.B. and Fact Sheet Section J., page 43.)

28 65. The Industrial Permit and the New Industrial Permit require that the

1 SWPPP must be revised as necessary to ensure compliance with the Storm Water
2 Permit. (Industrial Permit; Section A.10(d); New Industrial Permit, Section X.B.).

3 66. The Industrial Permit and New Industrial Permit require dischargers to
4 conduct visual observations for the presence of unauthorized non-storm water
5 discharges, to document the source of any discharge, and to report the presence of any
6 discolorations, stains, odors, and floating materials in the discharge.

7 67. The Industrial Permit and New Industrial Permit require dischargers to
8 visually observe drainage areas during the wet season (October 1 - May 30) and to
9 document the presence of any floating and suspended materials, oil and grease,
10 discolorations, turbidity, or odor in the discharge, and the source of any pollutants.

11 68. Both the Industrial Permit and New Industrial Permit require dischargers
12 to maintain records of observations, observation dates, locations observed, and
13 responses taken to eliminate unauthorized non-storm water discharges and to reduce or
14 prevent pollutants from contacting non-storm water and storm water discharges.

15 69. The Industrial Permit requires dischargers to collect a sample from all
16 discharge points during the first storm event of the wet season and during at least one
17 other storm event of the wet season, for a total of two samples per wet season.
18 (Industrial Permit, Section (B)(5)). The New Industrial permit requires dischargers to
19 collect and analyze storm water samples from two storm events with the first half of
20 each reporting year (July 1 to December 31) and two from the second half (January 1 to
21 June 30). (New Industrial Permit, Section XI.B.2.).

22 70. Dischargers must analyze each sample for pH, total suspended solids, oil
23 and grease, and for toxic chemicals and other pollutants likely to be present in
24 significant quantities in the storm water discharged from the facility. (Industrial Permit,
25 Section B(5)(c); New Industrial Permit, Section XI.B.6).

26 71. Dischargers must submit "Annual Reports" to the Regional Board in July
27 of each year. (Industrial Permit, Section B(14); New Industrial Permit, Section XVI.A.).

28 72. The Industrial Permit requires that all reports, certifications, or other

1 information required by the Storm Water Permit or requested by a regional board to
2 have been signed by an authorized representative of the facility's operators (Industrial
3 Permit Section C(9); New Industrial Permit Section XX.K.).

4 73. The Industrial Permit requires that signatories under Sections C(9) and
5 C(10) of the Industrial Permit and Section XX.K. and XX.L. of the New Industrial
6 Permit to make the following certification: "I certify under penalty of law that this
7 document and all attachments were prepared under my direction or supervision in
8 accordance with a system designed to ensure that qualified personnel properly gather
9 and evaluate the information submitted. Based on my inquiry of the person or persons
10 who manage the system, or those persons directly responsible for gathering the
11 information, the information submitted is to the best of my knowledge and belief, true,
12 accurate, and complete. I am aware that there are significant penalties for submitting
13 false information, including the possibility of fine and imprisonment for knowing
14 violations."

15 74. Section C(11)(d) of the Industrial Permit requires facility operators to
16 report any incidence of noncompliance with the Industrial Permit at the time monitoring
17 reports are submitted. Reports of noncompliance must contain (1) a description of
18 noncompliance and its cause, (2) the period of noncompliance, including exact dates
19 and times, and if the noncompliance has not been corrected, the anticipated time it is
20 expected to continue, and (3) steps taken or planned to reduce and prevent recurrence of
21 the noncompliance. (Industrial Permit, Section C(11)(d)).

22 75. Section XVI.B. of the New Industrial Permit requires facility operators to
23 report any incidence of noncompliance with the Industrial Permit at the time monitoring
24 reports are submitted. Reports must contain (1) a Compliance Checklist that indicates
25 whether a Discharger complies with, and has addressed all applicable requirements of
26 the Industrial Permit, (2) an explanation for any non-compliance of requirements within
27 the reporting year, as indicated in the Compliance Checklist, (3) an identification,
28 including page numbers and/or sections, of all revisions made to the SWPPP within the

1 reporting year, and (4) the date(s) of the Annual Evaluation. (New Industrial Permit,
2 Section XVI.B.).

3 **V. STATEMENT OF FACTS**

4 **A. Del Mar Fairgrounds and Racetrack**

5 76. Plaintiffs are informed, believe, and thereon allege Defendant 22nd District
6 Agricultural Association owns and operates the Facility located at 2600 Jimmy Durante
7 Blvd, Del Mar California 92104.

8 77. Plaintiffs are informed, believe, and thereon allege the Facility is
9 approximately 356 acres.

10 78. Plaintiffs are informed, believe, and thereon allege that at least 97 acres of
11 the Facility are classified as industrial area.

12 79. Plaintiffs are informed, believe, and thereon allege the Facility is bordered
13 by Stevens Creek and Via de la Valle to the north, Stevens Creek and Camino Del Mar
14 to the west, Jimmy Durante Boulevard to the east, and the San Dieguito Lagoon and San
15 Dieguito River to the south.

16 80. Plaintiffs are informed, believe, and thereon allege the Facility is assigned
17 the standard industrial classifications (SIC) codes of 7948 under the category of
18 "Racing, Including Track Operations"; 7999, "Amusement and Recreation Services,
19 Not Elsewhere Classified;" and 0752, "Animal Specialty Services, Except Veterinary."

20 81. Plaintiffs are informed, believe, and thereon allege the Facility houses 500
21 or more horses for 45 days or more in a 12-month period.

22 82. Plaintiffs are informed, believe, and thereon allege the Facility is a Large
23 CAFO under 40 C.F.R. § 122.23.

24 83. Plaintiffs are informed, believe, and thereon allege the Facility is utilized
25 for horse racing and stabling operations.

26 84. Plaintiffs are informed, believe, and thereon allege the Facility's
27 impervious surfaces and facilities include covered stables, wash racks, and other
28 buildings associated with maintaining horses and racing operations.

1 85. Plaintiffs are informed, believe, and thereon allege the Facility's
2 uncovered portions of the Site include tracks, infield, and backstretch areas.

3 86. Plaintiffs are informed, believe, and thereon allege various industrial
4 materials comprised of metals, fuels, nutrients, bacteria, oils and grease, organic
5 compounds, detergents, debris, and sediment are utilized and stored onsite.

6 87. Plaintiffs are informed, believe, and thereon allege the Facility Owners
7 and/or Operators engage in the following industrial operations: animal confinement,
8 animal feeding, feed storage, shipping, receiving, and moving equipment and animals
9 around the Facility, racetrack operations, manure and bedding handling and storage,
10 animal washing, waste containment and disposal, process wastewater management,
11 storage, and handling, and facility and equipment maintenance including vehicle
12 maintenance, repair, washing, and fueling.

13 88. Plaintiffs are informed, believe, and thereon allege, that the pollutants
14 associated with operations at the Facility include, but are not limited to: ammonia as
15 nitrogen; pH-affecting substances; oil and grease; total suspended solids; enterococcus;
16 nitrate, nitrite, and total nitrogen; phosphorous; total coliform; fecal coliform; BOD;
17 COD; chloride; glycol ethers; metals; semi-volatile organic compounds; sulfates;
18 detergents; gasoline; and diesel.

19 89. Plaintiffs are informed, believe, and thereon allege that some operations at
20 the Facility occur outdoors and expose pollutants to rainfall.

21 90. Plaintiffs are informed, believe, and thereon allege particulates from
22 operations and pollutants generated at the Facility are exposed to storm water at the
23 Facility.

24 91. Plaintiffs are informed, believe, and thereon allege activities at the Facility
25 generate significant debris and particulate matter, which contain pollutants and settle on
26 surfaces within the Facility. During rain events, this pollution is washed off those
27 surfaces and into stormwater discharge points, which flow to Receiving Waters.

28 92. Plaintiffs are informed, believe, and thereon allege storm water is

1 discharged from at least four discharge points at the Facility into stormwater discharge
2 points which flow to Receiving Waters.

3 93. Plaintiffs are informed, believe, and thereon allege storm water discharge
4 points are, or have the potential to be, tidally influenced.

5 94. Plaintiffs are informed, believe, and thereon allege a portion of first flush
6 rain event flows of storm water and unauthorized non-storm water discharges from the
7 Facility's Drainage Area 1 are diverted to the sanitary sewer.

8 95. Plaintiffs are informed, believe, and thereon allege storm water discharges
9 and unauthorized non-storm water from the Facility's Drainage Area 1 above and
10 beyond approximately 32,000 ft³ are discharged into Receiving Waters.

11 96. Plaintiffs are informed, believe, and thereon allege stormwater and
12 unauthorized non-storm water discharges from a portion of Drainage Area 2 of the
13 Facility drain to the infield lake system until the lakes are at capacity.

14 97. Plaintiffs are informed, believe, and thereon allege stormwater and
15 unauthorized non-storm water discharges from a portion of Drainage Area 2 of the
16 Facility over and above the capacity of the infield lake system are discharged into
17 Receiving Waters.

18 98. Plaintiffs are informed, believe, and thereon allege the infield lakes are, or
19 have the potential to be, tidally influenced.

20 99. Plaintiffs are informed, believe, and thereon allege the infield lakes are, or
21 have the potential to be, influenced by groundwater.

22 100. Plaintiffs are informed, believe, and thereon allege the infield lakes
23 discharge to groundwater.

24 101. The EPA promulgated regulations for the Section 402 NPDES permit
25 program defining waters of the United States. (See 40 C.F.R. § 122.2). The EPA
26 interprets waters of the United States to include not only traditionally navigable waters
27 but also other waters, including waters tributary to navigable waters, wetlands adjacent
28 to navigable waters, and other waters including intermittent streams that could affect

1 interstate commerce. The CWA requires any person who discharges or proposes to
2 discharge pollutants into waters of the United States to submit an NPDES permit
3 application. (40 C.F.R. § 122.21).

4 102. The Clean Water Act confers jurisdiction over non-navigable waters that
5 are tributary to traditionally navigable waters where the non-navigable water at issue
6 has a significant nexus to the navigable water. (*See Rapanos v. United States*, 547 U.S.
7 715 (2006)). A significant nexus is established if the “[receiving waters], either alone or
8 in combination with similarly situated lands in the region, significantly affect the
9 chemical, physical, and biological integrity of other covered waters.” (*Id.* at 780).

10 103. A significant nexus is also established if waters that are tributary to
11 navigable waters have flood control properties, including functions such as the
12 reduction of flow, pollutant trapping, and nutrient recycling. (*Id.* at 783).

13 104. Information available to Plaintiffs indicates that each of the surface waters
14 into which the Facility discharges polluted storm water are tributaries to traditional
15 navigable waters, such as the San Dieguito River and the Pacific Ocean.

16 105. Plaintiffs are informed, believe, and thereon allege the Facility’s polluted
17 discharges cause, threaten to cause, and/or contribute to the impairment of water quality
18 in Receiving Waters. Elevated levels of bacteria, metals, nutrients, and sedimentation,
19 and other pollutants have resulted in the inability of Receiving Waters to support their
20 beneficial uses.

21 106. Water Quality Standards are pollutant concentration levels determined by
22 the State Board and the EPA to be protective of the beneficial uses of the receiving
23 waters. Discharges above Water Quality Standards contribute to the impairment of the
24 receiving waters’ beneficial uses.

25 107. The applicable Water Quality Standards include, but are not limited to,
26 those set out by the State of California in the Criteria for Priority Toxic Pollutants, 40
27 C.F.R. § 131.38, (“California Toxics Rule” or “CTR”) and in the Basin Plan. The CTR
28 limits are, in part, as follows for freshwater: copper – .013 milligrams per liter (mg/L);

1 zinc – .12 mg/L. The CTR limits are, in part, for saltwater: copper – .0048 mg/L; zinc
2 – .09 mg/L. These numeric criteria are set to protect human health and the environment
3 in the State of California. The CTR limits represented are the maximum concentration
4 levels permissible to achieve health and environmental protection goals.

5 108. EPA Benchmarks are the pollutant concentrations above which EPA has
6 determined are indicative of a facility not successfully developing or implementing
7 BMPs that meet BAT for toxic pollutants and BCT for conventional pollutants. (*See*
8 *Multi-Sector General Permits for Stormwater Discharges Associated with Industrial*
9 *Activity (MSGP) Fact Sheet*, pp. 55-56). The benchmark values provide an appropriate
10 level to determine whether a facility's storm water pollution prevention measures are
11 successfully implemented. (*MSGP Fact Sheet*, p. 52). Failure to conduct and document
12 corrective action and revision of control measures in response to benchmark
13 exceedances constitutes a permit violation. (*Id.*, at p. 65).

14 109. The Regional Board's Basin Plan establishes water quality objectives,
15 implementation plans for point and nonpoint source discharges, and prohibitions, and
16 furthers statewide plans and policies intended to preserve and enhance the beneficial
17 uses of all waters in the San Diego region. (*See Basin Plan* at p. 1-1). The Basin Plan
18 identifies several beneficial uses for regional waters, including for San Dieguito River
19 and San Dieguito Lagoon.

20 110. The Basin Plan establishes the following water quality objectives for
21 freshwater in the San Dieguito Lagoon and San Dieguito River: enterococci: 61
22 MPN/100 ml; fecal coliform: 400/100 ml; total coliform: 10000/100 ml. The Basin
23 Plan establishes the following water quality objectives for saltwater in the San Dieguito
24 Lagoon and Pacific Ocean: enterococci: 104 MPN/100 ml.

25 **B. Past and Present Industrial Activity at the Del Mar Racetrack Facility**

26 111. The potential pollutant sources associated with the industrial activities at
27 the Facility include, but are not limited to: animal confinement areas; barns; stables;
28 animal wash racks; storage areas containing manure, bedding, and waste; areas used by

1 animals; backstretch area; infield lakes; turf track area; fuel storage areas; vehicle wash
2 racks; vehicle and equipment maintenance and storage areas; materials storage; waste
3 storage; and Del Mar Thoroughbred Club operations areas.

4 112. Plaintiffs are informed, believe, and thereon allege that pollutants present
5 in storm water discharged from the Facility therefore include but are not limited to:
6 ammonia as nitrogen; pH-affecting substances; oil and grease; total suspended solids;
7 enterococcus; nitrate, nitrite, and total nitrogen; phosphorous; total coliforms; fecal
8 coliforms; BOD; COD; chloride; glycol ethers; toxic metals such as copper, iron, zinc,
9 lead, and aluminum; semi-volatile organic compounds; sulfates; detergents; gasoline;
10 and diesel.

11 113. Plaintiffs are informed, believe, and thereon allege that some operations at
12 the Facility occur outdoors and are causing pollutants to be exposed to rainfall.

13 114. Plaintiffs are informed, believe, and thereon allege particulates from
14 operations and pollutants generated at the Facility are exposed to storm water at the
15 Facility.

16 115. Plaintiffs are informed, believe, and thereon allege process wastewater is
17 discharged from the Facility into Receiving Waters.

18 116. Discharges of process wastewater and pollutants in process wastewater via
19 the storm water conveyance system constitute unauthorized non-storm water discharges.

20 117. Plaintiffs are informed, believe, and thereon allege the Facility's
21 stormwater discharge points are, or have the potential to be, tidally influenced.

22 118. Plaintiffs are informed, believe, and thereon allege use of the infield lakes
23 as a detention basin for process wastewater results in discharges of process wastewater
24 to U.S. waters.

25 119. Plaintiffs are informed, believe, and thereon allege that the Facility lacks
26 effective BMPs to control the flow of storm water from the Facility into storm water
27 conveyance systems.

28 120. Plaintiffs are informed, believe, and thereon allege that the Facility lacks

1 effective BMPs to control the flow of process wastewater from the Facility into storm
2 water conveyance systems and Receiving Waters.

3 121. Suspended solids, metal particles, nutrients, bacteria, and other pollutants
4 have been and continue to be conveyed from the Facility into storm drain conveyance
5 systems and Receiving Waters.

6 122. Plaintiffs are informed, believe, and thereon allege that the Facility
7 pollution control measures are ineffective in controlling the exposure of pollutant
8 sources to storm water at the Facility.

9 **C. The Del Mar Fairgrounds and Racetrack and its Associated Discharge**
10 **of Pollutants**

11 123. Plaintiffs are informed, believe, and thereon allege that with every
12 significant rain event, the Facility discharges polluted storm water from the industrial
13 activities at the Facility via storm drainage systems and into the Receiving Waters.

14 124. Plaintiffs are informed, believe, and thereon allege that with every
15 significant rain event, the Facility discharges polluted process wastewater from
16 activities at the Facility via storm drainage systems and retention basins and into the
17 Receiving Waters.

18 125. Plaintiffs are informed, believe, and thereon allege that the Receiving
19 Waters into which the Facility discharges polluted storm water are waters of the United
20 States and therefore the Industrial Permit properly regulates discharges to those waters.

21 126. Plaintiffs are informed, believe, and thereon allege that the storm water
22 discharged from the Facility has exceeded the CTR Water Quality Standards applicable
23 to copper in California. For example, Defendant's 2015-2016 monitoring data indicates
24 levels of copper as high as 0.064 mg/L which is almost five times the freshwater CTR
25 limit of .013 mg/L and the EPA Benchmark value of .014 mg/L², and over thirteen times
26 the saltwater CTR limit of 0.0048 mg/L.

27
28 ² This benchmark value is hardness-dependent. Assuming the 100 mg/L water hardness
range applies, the benchmark is .013 mg/L. (MSGP Fact Sheet, p. 55)

1 127. Plaintiffs are informed, believe, and thereon allege that the storm water
2 discharged from the Facility has exceeded the CTR Water Quality Standards applicable
3 to zinc in California. For example, Defendant's 2015-2016 annual report monitoring
4 data indicates levels of zinc as high as .82 mg/L which is almost seven times the CTR
5 limit of .12 mg/L and the EPA Benchmark value for zinc of .12 mg/L³, and over nine
6 times the saltwater CTR limit of 0.09 mg/L.

7 128. Plaintiffs are informed, believe, and thereon allege that storm water
8 discharged from the Facility has exceeded the EPA Benchmark value for nitrate +
9 nitrate. For example, Defendant's 2015-2016 monitoring data indicates exceedance
10 levels of nitrate + nitrate at 6.1 mg/L, which is almost 9 times the EPA benchmark value
11 for nitrate + nitrate of .68 mg/L (MSGP, Fact Sheet, p. 55).

12 129. Plaintiffs are informed, believe, and thereon allege that during every
13 significant rain event that has occurred at the Facility since May 12, 2012 through the
14 present, Defendant has discharged and continues to discharge storm water from the
15 Facility that contains pollutants at levels in violation of the prohibitions and limitations
16 set forth in the Industrial Permit and other applicable Water Quality Standards.

17 130. Plaintiffs are informed, believe, and thereon allege, from visual
18 observations, sample results, and investigations available to Plaintiffs, the Defendant
19 has failed and continues to fail to develop and/or implement adequate BMPs to prevent
20 the discharge of polluted storm water from the Facility.

21 131. The inadequacy of the BMPs at the Facility is a result of the Defendant's
22 failure to develop and implement an adequate SWPPP and companion M&RP.

23 132. Storm water discharges from the Facility contain pollutant concentration
24 levels that are above both EPA Benchmarks and applicable Water Quality Standards.

25 133. Plaintiffs are informed, believe, and thereon allege that since at least May
26 12, 2012 through the present, Defendant has failed to develop and implement BMPs that
27

28 ³ This benchmark value is hardness-dependent. Assuming the 100 mg/L water hardness range applies, the benchmark is .014 mg/L. (MSGP, Fact Sheet, p. 56)

1 meet the standards of BAT/BCT and Effluent Limitation Guidelines at the Facility.

2 134. Plaintiffs are informed, believe, and thereon allege Facility's repeated
3 exceedances of EPA Benchmarks over the past five years for pollutants, including zinc,
4 copper, biological oxygen demand, nitrate + nitrite, total suspended solids, chemical
5 oxygen demand, ammonia, and phosphorous, indicate that the Facility has failed and
6 continues to fail to meet BAT/BCT.

7 135. Each day that Defendant has failed and continues to fail to implement
8 adequate BMPs to achieve BAT/BCT constitutes a separate violation of the Industrial
9 Permit and the CWA.

10 136. Based on their investigation of the Facility, Plaintiffs are informed and
11 believe that Defendant has failed to develop and implement an adequate SWPPP since
12 at least May 12, 2012 through the present.

13 137. Defendant has not developed and/or implemented BMPs to adequately
14 minimize the exposure of pollutants to stormwater at the Facility.

15 138. Defendant has not developed and/or implemented BMPs at the Facility
16 that adequately control and minimize polluted runoff from the Facility.

17 139. Defendant has not developed and/or implemented BMPs at the Facility
18 that adequately treat and remove pollutants in stormwater prior to the discharge.

19 140. Defendant has not developed and/or implemented adequate measures to
20 reduce or eliminate stormwater pollution that constitute BAT/BCT.

21 141. Defendant has not developed and/or implemented BMPs at the Facility
22 that adequately prevent or control process wastewater from being discharged at the
23 Facility.

24 142. Defendant has not developed and/or implemented adequate BMPs at the
25 Facility to achieve stormwater discharges that meet EPA Benchmarks, NALs, or
26 applicable Water Quality Standards.

27 143. Defendant has not developed and/or implemented adequate BMPs at the
28 Facility to achieve discharges that meet Effluent Limitation Guidelines.

1 144. Defendant has not adequately evaluated and revised the Facility's SWPPP
2 to address these failures.

3 145. Defendant has also failed to properly operate and maintain the structures
4 and systems that have been put in place at the Facility to achieve compliance with the
5 Industrial Stormwater Permit and its SWPPP requirements.

6 146. Each day that Defendant has failed and continues to fail to implement an
7 adequate SWPPP constitutes a separate violation of the Industrial Permit and the CWA.

8 147. Plaintiffs are informed, believe, and thereon allege that Defendant has
9 failed to submit written reports to the Regional Board identifying additional BMPs
10 necessary to achieve BAT/BCT at the Facility since at least May 12, 2012.

11 148. Each day that Defendant has operated the Facility without meeting this
12 reporting requirement of the Industrial Permit constitutes a separate violation of the
13 Industrial Permit and the CWA.

14 **D. Defendant's Monitoring Program**

15 149. From May 12, 2012 through June 30, 2015, the Facility was required to
16 sample at least two storm events every rainy season in accordance with the sampling
17 and analysis procedures set forth at Industrial Permit Section B(5).

18 150. Sampling and analysis procedures require that a sample be taken from all
19 discharge locations at the Facility and that at least two samples are taken during the wet
20 season: (1) one in the first storm event of a particular wet season; and (2) at least one
21 other storm event in the wet season. (Industrial Permit, Sections B(5) and B(7)).

22 151. From June 30, 2015 through the present Facility is required to sample at
23 least two storm events within the first half of each reporting year (July 1 to December
24 31) and two storm events within the second half of each reporting year (January 1 to
25 June 30) in accordance with the sampling and analysis procedures in New Industrial
26 Permit Section XI.B.

27 152. Dischargers must analyze each sample for pH, total suspended solids, oil
28 and grease, and for toxic chemicals and other pollutants likely to be present in

1 significant quantities in the storm water discharged from the facility. (Industrial Permit,
2 Section B(5)(c); New Industrial Permit, Section XI.B.6).

3 153. All monitoring data must be uploaded to SMARTS within 30 days of
4 obtaining all results for each sampling event. (New Industrial Permit, XI.B.11.a)

5 154. Plaintiffs are informed, believe, and thereon allege that despite the
6 extremely high levels of pollutants reported in the samples that were taken at the
7 Facility, the Defendant has not sampled and submitted sampling reports as required.

8 155. Plaintiffs are informed, believe, and thereon allege that Defendant has not
9 successfully sampled and reported during the 2015-2016 reporting year by failing to
10 report and upload sample results to SMARTS within 30 days.

11 156. Plaintiffs are informed, believe, and thereon allege that Defendant has not
12 successfully and consistently sampled and reported for enterococcus as required by the
13 Permit.

14 157. Information available to Plaintiffs indicates that Defendant has not
15 submitted any reports pursuant to Receiving Water Limitation C(4)(a) within 60-days of
16 becoming aware of levels in its storm water exceeding the EPA Benchmark values or
17 applicable Water Quality Standards, or filed any reports describing the Facility's
18 noncompliance with the Industrial Permit pursuant to Section C(11)(d) of the Industrial
19 Permit.

20 158. Information available to Plaintiffs indicates that Defendant has not
21 conducted any assessments or submitted any reports pursuant to Section XX.B of the
22 New Industrial Permit.

23 **VI. CLAIMS FOR RELIEF**

24 **FIRST CAUSE OF ACTION**

25 **Discharges of Contaminated Storm Water in**
26 **Violation of the Industrial Permit's Discharge Prohibitions and**
27 **Receiving Water Limitations and the Clean Water Act**
28 **(Violations of 33 U.S.C. §§ 1311(a), 1342)**

159. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

1 160. Plaintiffs are informed, believe, and thereon allege that as a result of the
2 operations at the Facility, during every significant rain event, storm water containing
3 pollutants harmful to fish, plant, bird life, and human health is discharged from the
4 Facility to the Receiving Waters.

5 161. Plaintiffs are informed, believe, and thereon allege that Defendant's
6 discharges of contaminated storm water have caused, continue to cause, and threaten to
7 cause pollution, contamination, and/or nuisance to the waters of the United States in
8 violation of Discharge Prohibition A(2) of the Industrial Permit and Sections III.C. and
9 VI.C of the New Industrial Permit.

10 162. Plaintiffs are informed, believe, and thereon allege that these discharges of
11 contaminated storm water have adversely affected and continue to adversely affect
12 human health and the environment in violation of Receiving Water Limitation C(1) of
13 the Industrial Permit and Section VI.B. of the New Industrial Permit.

14 163. Plaintiffs are informed, believe, and thereon allege that these discharges of
15 contaminated storm water have caused or contributed to and continue to cause or
16 contribute to an exceedance of Water Quality Standards in violation of Receiving Water
17 Limitation C(2) of the Industrial Permit, and Discharge Prohibition III.D. and Receiving
18 Water Limitation VI.A. of the New Industrial Permit.

19 164. Plaintiffs are informed, believe, and thereon allege that from at least May
20 12, 2012 through the present, Defendant has discharged, and continues to discharge,
21 contaminated storm water from the Facility to Receiving Waters in violation of the
22 prohibitions of the Industrial Permit. Thus, Defendant is liable for civil penalties for at
23 least 1,825 violations of the Industrial Permit and the CWA.

24 165. Plaintiffs are informed, believe, and thereon allege that Defendant's
25 violations of the Industrial Permit and the CWA are continuous and ongoing.

26 166. Defendant will continue to be in violation of the Industrial Permit
27 requirements each day the Facility discharges contaminated storm water in violation of
28 Industrial Permit prohibitions.

167. Every day that Defendant has discharged and/or continues to discharge polluted storm water from the Facility in violation of the Industrial Permit is a separate and distinct violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

168. By committing the acts and omissions alleged above, Defendant is subject to an assessment of civil penalties for each and every violation of the CWA occurring from May 12, 2012 to the present pursuant to Sections 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d) and 1365, and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §12.4.

169. An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Continuing commission of the acts and omissions alleged above would irreparably harm Plaintiffs and the citizens of the State of California, for which harm they have no plain, speedy, or adequate remedy at law.

Wherefore, Plaintiffs pray judgment against Defendant as set forth hereafter.

SECOND CAUSE OF ACTION
Discharges of Contaminated Storm Water in
Violation of the Industrial Permit's Effluent Limitations
and the Clean Water Act
(Violations of 33 U.S.C. §§ 1311(a), 1342)

170. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

171. Plaintiffs are informed, believe, and thereon allege that Defendant has failed to develop and/or implement BMPs that achieve compliance with BAT/BCT requirements of the Industrial Permit and the CWA.

172. Plaintiffs are informed, believe, and thereon allege that Defendant has failed to develop and/or implement BMPs that achieve compliance with Effluent Limitations Guidelines of the Industrial Permit and the CWA.

173. Sampling of the Facility's storm water discharges as well as Plaintiffs' observations of the Facility demonstrate that Defendant has not developed and has not implemented BMPs that meet the standards of BAT/BCT. Thus, Defendant is in

1 violation of Effluent Limitations B.3. of the Industrial Permit and V.A. of the New
2 Industrial Permit.

3 174. Sampling of the Facility's storm water discharges as well as Plaintiffs'
4 observations of the Facility demonstrate that Defendant has not developed and has not
5 implemented BMPs that meet the standards of Effluent Limitations Guidelines in 40
6 C.F.R. Part 412 (Subchapter N). Thus, Defendant is in violation of Effluent Limitations
7 B.1. of the Industrial Permit and V.B. of the New Industrial Permit.

8 175. Plaintiffs are informed, believe, and thereon allege that Defendant has
9 been in daily and continuous violation of the BAT/BCT requirements of the Industrial
10 Permit and the CWA every day since at least May 12, 2012, and of the BAT/BCT
11 requirements of the New Industrial Permit since July 1, 2015.

12 176. Plaintiffs are informed, believe, and thereon allege that Defendant has
13 been in daily and continuous violation of the Effluent Limitations Guidelines
14 requirements of the Industrial Permit and the CWA every day since at least May 12,
15 2012, and of the Effluent Limitations Guidelines requirements of the New Industrial
16 Permit since July 1, 2015.

17 177. Defendant's failure to develop and/or implement BMPs adequate to
18 achieve the pollutant discharge reductions attainable via BAT or BCT at the Facility is a
19 violation of the New Industrial Permit and the CWA. (New Industrial Permit §§ I(D)
20 (Finding 32), V(A); 33 U.S.C. § 1311(b)).

21 178. Plaintiffs are informed, believe, and thereon allege that Defendant's
22 violations of BAT/BCT requirements of the Industrial Permit and the CWA are
23 ongoing.

24 179. Plaintiffs are informed, believe, and thereon allege that Defendant's
25 violations of the Effluent Limitations and the CWA are ongoing.

26 180. Defendant will continue to be in violation every day the Facility operates
27 without adequately developing and/or implementing BMPs that achieve BAT/BCT to
28 prevent or reduce pollutants associated with industrial activity in storm water discharges

1 at the Facility.

2 181. Defendant will continue to be in violation every day the Facility operates
3 without adequately developing and/or implementing BMPs that comply with Effluent
4 Limitations Guidelines to prevent or reduce pollutants associated with industrial activity
5 in storm water discharges at the Facility.

6 182. Every day that Defendant operates the Facility without adequately
7 developing and/or implementing BMPs that achieve BAT/BCT in violation of the
8 Industrial Permit or New Industrial Permit is a separate and distinct violation of Section
9 301(a) of the CWA, 33 U.S.C. § 1311(a).

10 183. Every day that Defendant operates the Facility without adequately
11 developing and/or implementing BMPs that comply with Effluent Limitations
12 Guidelines in violation of the Industrial Permit or New Industrial Permit is a separate
13 and distinct violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

14 184. By committing the acts and omissions alleged above, Defendant is subject
15 to an assessment of civil penalties for each and every violation of the CWA occurring
16 from May 12, 2012 to the present pursuant to Sections 309(d) and 505 of the CWA, 33
17 U.S.C. §§ 1319(d) and 1365, and the Adjustment of Civil Monetary Penalties for
18 Inflation, 40 C.F.R. §12.4.

19 185. An action for injunctive relief under the CWA is authorized by 33 U.S.C.
20 § 1365(a). Continuing commission of the acts and omissions alleged above would
21 irreparably harm Plaintiffs and the citizens of the State of California, for which harm
22 they have no plain, speedy, or adequate remedy at law.

23 Wherefore, Plaintiffs pray judgment against Defendant as set forth hereafter.

24 /././

25 /././

26 /././

27 /././

28 /././

THIRD CAUSE OF ACTION

**Failure to Develop and/or Implement an Adequate
Storm Water Pollution Prevention Plan
in Violation of the Industrial Permit and Clean Water Act
(Violations of 33 U.S.C. §§ 1311, 1342)**

186. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

187. Plaintiffs are informed, believe, and thereon allege that Defendant has failed to develop and/or implement an adequate SWPPP for the Facility that meets the requirements set out in Section A and Provision E of the Industrial Permit and Section X of the New Industrial Permit.

188. Defendant has been in violation of the SWPPP requirements every day since at least May 12, 2012.

189. Defendant's violations of the Industrial Permit, New Industrial Permit and the CWA are ongoing.

190. Defendant will continue to be in violation of the SWPPP requirements every day the Facility operates with an inadequately developed and/or implemented SWPPP for the Facility.

191. Each day that Defendant operates the Del Mar Racetrack Facility without developing and/or implementing an adequate SWPPP is a separate and distinct violation of Section 301(a) of the CWA 33 U.S.C. §1311(a).

192. By committing the acts and omissions alleged above, Defendant is subject to an assessment of civil penalties for each and every violation of the CWA occurring from May 12, 2012 to the present pursuant to Sections 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d) and 1365, and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §12.4.

193. An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Continuing commission of the acts and omissions alleged above would irreparably harm Plaintiffs and the citizens of the State of California, for which harm

1 they have no plain, speedy, or adequate remedy at law.

2 Wherefore, Plaintiffs pray judgment against Defendant as set forth hereafter.

3
4 **FOURTH CAUSE OF ACTION**

5 **Failure to Implement an**
6 **Adequate Monitoring and Reporting Program**
7 **In Violation of the Industrial Permit and the Clean Water Act**
8 **(Violations of 33 U.S.C. §§ 1311, 1342)**

9 194. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

10 195. Plaintiffs are informed, believe, and thereon allege that Defendant has
11 failed to develop and/or implement an adequate M&RP for the Facility as required by
12 Section B and Provision E(3) of the Industrial Permit and Section XI of the New
13 Industrial Permit.

14 196. Plaintiffs are informed, believe, and thereon allege that conditions at the
15 Facility, as determined via sampling of storm water discharges from the Facility, and the
16 annual reports submitted by Defendant all demonstrate that the Facility has not
17 implemented an adequate M&RP that meets the requirements of the Industrial Permit
18 and New Industrial Permit.

19 197. Plaintiffs are informed, believe, and thereon allege that Defendant has
20 failed and continues to fail to collect samples from all discharge points for all required
21 pollutants during all storm events in violation of Section B(5) of the Industrial Permit
22 and XI.B. of the New Industrial Permit.

23 198. Plaintiffs are informed, believe, and thereon allege that Defendant has
24 failed and continues to fail to identify inadequacies in its SWPPP and BMPs.

25 199. Defendant's violations of the Industrial Permit, New Industrial Permit and
26 the CWA are ongoing.

27 200. Defendant will continue to be in violation of the Industrial Permit, New
28 Industrial Permit and the CWA each day the Facility operates with an inadequately
implemented M&RP.

1 201. Each day Defendant operates the Facility without implementing an
2 adequate M&RP for the Facility is a separate and distinct violation of Section 301(a) of
3 the CWA, 33 U.S.C. §1311(a).

4 202. By committing the acts and omissions alleged above, Defendant is subject
5 to an assessment of civil penalties for each and every violation of the CWA occurring
6 from May 12, 2012 to the present pursuant to Sections 309(d) and 505 of the CWA, 33
7 U.S.C. §§ 1319(d) and 1365, and the Adjustment of Civil Monetary Penalties for
8 Inflation, 40 C.F.R. §12.4.

9 203. An action for injunctive relief under the CWA is authorized by 33 U.S.C.
10 § 1365(a). Continuing commission of the acts and omissions alleged above would
11 irreparably harm Plaintiffs and the citizens of the State of California, for which harm
12 they have no plain, speedy, or adequate remedy at law.

13 Wherefore, Plaintiffs pray judgment against Defendant as set forth hereafter.

14
15 **FIFTH CAUSE OF ACTION**
16 **Failure to Conduct Required Rain Event Sampling in**
 Violation of the Industrial Permit

17 204. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

18 205. Plaintiffs are informed, believe, and thereon allege that Defendant is in
19 violation of Industrial Permit, Section B(5)(c) by failing to sample for enterococcus
20 between the 2011-2012 reporting year and December 2, 2014.

21 206. By committing the acts and omissions alleged above, Defendant is subject
22 to an assessment of civil penalties for each and every violation of the CWA occurring
23 from May 12, 2012 to the present, pursuant to Sections 309(d) and 505 of the CWA, 33
24 U.S.C. §§1319(d) and 1365, and the Adjustment of Civil Monetary Penalties for
25 Inflation, 40 C.F.R. §12.4.

26 207. An action for injunctive relief under the CWA is authorized by 33 U.S.C.
27 §1365(a). Continuing commission of the omissions alleged above would irreparably
28 harm the Plaintiffs and the citizens of the State of California, for which harm they have

1 no plain, speedy, or adequate remedy at law.

2 Wherefore, Plaintiffs pray judgment against Defendant as set forth hereafter.

3
4 **SIXTH CAUSE OF ACTION**
5 **Unpermitted Discharge of Pollutions**
6 **In Violation of CWA Section 301(a)**
7 **(Violations of 33 U.S.C. § 1311)**

8 208. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

9 209. Plaintiffs are informed, believe, and thereon allege that Defendant is in
10 violation of CWA section 301(a), 33 U.S.C. § 1311(a) for its unpermitted discharge of
11 pollutants, including process wastewater from CAFO operations, from the Facility to the
12 Waters of the United States.

13 210. Defendant has been in violation of CWA section 301(a) every day it has
14 discharged pollutants from the Facility to waters of the United States without a permit,
15 since May 12, 2012. Defendant will continue to be in violation of the CWA every day it
16 has unpermitted discharges of pollutants from the Facility to the waters of the United
17 States.

18 211. By committing the acts and omissions alleged above, Defendant is subject
19 to an assessment of civil penalties for each and every violation of the CWA occurring
20 from May 12, 2012 to the present pursuant to Sections 309(d) and 505 of the CWA, 33
21 U.S.C. §§ 1319(d) and 1365, and the Adjustment of Civil Monetary Penalties for
22 Inflation, 40 C.F.R. § 12.4.

23 212. An action for injunctive relief under the CWA is authorized by 33 U.S.C.
24 § 1365(a). Continuing commission of the acts and omissions alleged above would
25 irreparably harm Plaintiffs and the citizens of the State of California, for which harm
26 they have no plain, speedy, or adequate remedy at law.

27 Wherefore, Plaintiffs pray judgment against Defendant as set forth hereafter.

28 /. ./

/. ./

SEVENTH CAUSE OF ACTION

**Discharge of Unauthorized Non-Stormwater
Discharges in Violation of Sections A.1. of Industrial Permit
And III.B. of New Industrial Permit**

213. Plaintiffs incorporate the preceding paragraphs as if fully set forth herein.

214. Plaintiffs are informed, believe, and thereon allege that Defendant is in violation of Section A.1. of the Industrial Permit and III.B. of the New Industrial Permit every day is has discharged unauthorized non-stormwater containing pollutants, including process wastewater from CAFO operations, from the Facility to the Waters of the United States.

215. By discharging unauthorized non-stormwater discharges containing pollutants, including process wastewater from CAFO operations, from the Facility into Receiving Waters, Defendant has been in violation of Section A.1. of the Industrial Permit and III.B. of the New Industrial Permit every day since May 12, 2012. Defendant will continue to be in violation every day it discharges unauthorized non-stormwater discharges containing pollutants, including process wastewater from CAFO operations, from the Facility to Receiving Waters.

216. By committing the acts and omissions alleged above, Defendant is subject to an assessment of civil penalties for each and every violation of the CWA occurring from May 12, 2012 to the present pursuant to Sections 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d) and 1365, and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §12.4.

217. An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Continuing commission of the acts and omissions alleged above would irreparably harm Plaintiffs and the citizens of the State of California, for which harm they have no plain, speedy, or adequate remedy at law.

Wherefore, Plaintiffs pray judgment against Defendant as set forth hereafter

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VII. RELIEF REQUESTED

218. Wherefore, Plaintiffs respectfully request that this Court grant the following relief:

a. A Court order declaring Defendant to have violated and to be in violation of Section 301(a) and (b) of the CWA, 33 U.S.C. § 1311(a) and (b), for its unlawful discharges of pollutants from the Facility in violation a permit issued pursuant to section 402(p) of the CWA, 33. U.S.C. § 1342(p), for failing to meet effluent limitations which include the Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology requirements, and for failing to comply with the substantive and procedural requirements of the Industrial Permit, and as of July 1, 2015, the New Industrial Permit;

b. A court order enjoining the Defendant from discharging pollutants from the Facility to stormwater discharge points, which discharge to Receiving Waters;

c. A Court order enjoining the Defendant from violating sections 301(a) and (b) and section 402(p) of the Clean Water Act and from violating the substantive and procedural requirements of the Industrial Permit and New Industrial Permit;

d. A Court order assessing civil monetary penalties of \$37,500 per day per violation for each violation of the CWA at the Facility occurring after January 27, 2009 but before November 2, 2015, and \$51,750 for violations occurring after November 2, 2015, as permitted by 33 U.S.C. § 1319(d) and Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.1-19.4;

e. A Court order requiring Defendant to take appropriate actions to restore the quality of waters impaired by its activities;

f. A Court order awarding Plaintiffs their reasonable costs of suit, including attorney, witness, expert, and consultant fees, as permitted by Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d);

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1 g. Any other relief as this Court may deem appropriate.

2 Dated: December 6, 2017

3 Respectfully submitted,
4 COAST LAW GROUP LLP

5
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EXHIBIT A

60 Day Notice Letter



May 12, 2016

Del Mar Fairgrounds Racetrack
Attention: Gary Reist
Chief Plant Operations
2260 Jimmy Durante Blvd,
Del Mar, CA 92104

VIA CERTIFIED MAIL

22nd District Agricultural Association
Tim Fennell, Secretary/Treasurer for Board
CEO/General Manager
2260 Jimmy Durante Blvd,
Del Mar, CA 92104

**Re: Clean Water Act Notice of Intent to Sue/60-Day Notice Letter
Del Mar Fairgrounds Racetrack Violations of General Industrial Permit**

Dear Mr. Reist:

Please accept this letter on behalf of the Coastal Environmental Rights Foundation (CERF) and San Diego Coastkeeper (Coastkeeper) regarding Del Mar Fairgrounds Racetrack's violations of the State Water Resources Control Board Water Quality Order Nos. 97-03-DWQ and 2014-0057-DWQ, Natural Pollutant Discharge Elimination System (NPDES), General Permit No. CAS000001, and Waste Discharge Requirements for Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities (General Industrial Permit).¹ This letter constitutes CERF and Coastkeeper's notice of intent to sue for violations of the Clean Water Act and General Industrial Permit for the Del Mar Fairgrounds Racetrack located at 2260 Jimmy Durante Blvd, San Diego, California 92104 ("Del Mar Fairgrounds", "Del Mar Fairgrounds Facility" or "Facility"), as set forth in more detail below.

Section 505(b) of the Clean Water Act requires that sixty (60) days prior to the initiation of a citizen's civil lawsuit in Federal District Court under Section 505(a) of the Act, a citizen must give notice of the violations and the intent to sue to the violator, the Administrator of the U.S. Environmental Protection Agency, the Regional Administrator of the U.S. Environmental Protection Agency for the region in which the violations have occurred, the U.S. Attorney General, and the Chief Administrative Officer for the State in which the violations have occurred (33 U.S.C. § 1365(b)(1)(A)). This letter provides notice of Del Mar Fairgrounds' Clean Water Act violations and CERF and Coastkeeper's intent to sue.

¹ On April 1, 2014, the State Water Resources Control Board adopted Order No. 2014-0057-DWQ, which amends the Industrial General Permit ("New Industrial Permit"). These amendments became effective on July 1, 2015. All references to the General Industrial Permit are to the Permit as it existed at the time of the violations noted herein.

Notice of Intent to Sue: Clean Water Act
Del Mar Fairgrounds and Racetrack
May 12, 2016
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I. Citizen Groups

CERF is a non-profit public benefit corporation organized under the laws of the State of California with its main office in Encinitas, CA. CERF is dedicated to the preservation, protection and defense of the environment, the wildlife, and the natural resources of the California Coast. CERF's mailing address is 1140 S. Coast Highway 101, Encinitas, CA 92024.

Coastkeeper is a nonprofit organization committed to protecting and restoring the San Diego region's water quality and supply. A member of the international Waterkeeper Alliance, Coastkeeper's main purpose is to preserve, enhance, and protect San Diego's waterways, marine sanctuaries, coastal estuaries, wetlands, and bays from illegal dumping, hazardous spills, toxic discharges, and habitat degradation. Coastkeeper implements this mission through outreach, education, activism, participation in governmental hearings, and prosecuting litigation to ensure that San Diego's beaches, bays, coastal waters and tributary streams and rivers meet all substantive water quality standards guaranteed by Federal, State, and local statutes and regulations. Coastkeeper's office is located at 2825 Dewey Road, Suite 200 in San Diego, California 92106.

Members of CERF and Coastkeeper use and enjoy the waters into which pollutants from Del Mar Fairgrounds' ongoing illegal activities are discharged, namely Stevens Creek, San Dieguito River, San Dieguito Lagoon, and the nearby Pacific Ocean (Receiving Waters). The public and members of CERF and Coastkeeper use these Receiving Waters to fish, boat, kayak, surf, swim, scuba dive, birdwatch, view wildlife, and to engage in scientific studies. Procedural and substantive violations of the Stormwater Permit including, but not limited to, the discharge of pollutants by Del Mar Fairgrounds Facility affect and impair each of these uses. Thus, the interests of CERF and Coastkeeper's members have been, are being, and will continue to be adversely affected by Del Mar Fairgrounds Owners and/or Operators' failure to comply with the Clean Water Act and the General Industrial Permit.

II. Storm Water Pollution and the General Industrial Permit

A. Duty to Comply

Under the Clean Water Act, the discharge of any pollutant to a water of the United States is unlawful except in compliance with certain provisions of the Clean Water Act. (See 33 U.S.C. § 1311 (a)). In California, any person who discharges storm water associated with industrial activity must comply with the terms of the General Industrial Permit in order to lawfully discharge.

Information available to Citizen Groups indicates that the Del Mar Fairgrounds Facility is operated by the 22nd Agricultural Association as formed under Cal. Food & Agric. Code § 3951. The SMARTS database, 2015 SWPPP, and the 2014-2015 Annual Report list Gary Reist as Facility Operator. Citizen Groups refer to 22nd District Agricultural Association, Del Mar Fairgrounds and Racetrack, and Gary Reist collectively as Fairgrounds Facility "Owner and/or Operator". Information available to Citizen Groups indicates the Facility is at least 356 acres, at least 27 acres of which are considered impervious. The Facility property is bordered by Va De La Valle and Stevens Creek to the north, Camino Del Mar and Stevens Creek to the West, Jimmy Durante Boulevard to the East and South, and the San Dieguito Lagoon and San Dieguito River to the southwest.

Information available to Citizen Groups further indicates the portion of the facility covered by the

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General Industrial Permit is mainly utilized for horse racing and stabling operations. Information available to Citizen Groups indicates the facility is assigned the Standard Industrial Classification code of 7948 under the category of "Racing, Including Track Operations", and is designated as a large concentrated animal feeding operation that houses 500 or more horses for 45 days or more in a 12-month period. The Fairgrounds' impervious facilities include covered stables, wash racks, and other buildings associated with maintaining horses. Uncovered portions of the site are generally impervious (paved concrete or asphalt), consisting of the main racetrack and infield area, a training track, a backstretch area, and parking areas. At least four, and perhaps more, discharge points discharge pollutants into receiving waters from the Facility.

According to information available to Citizen Groups, horse racing and boarding occur at the Fairgrounds Facility. The industrial activities and areas at the Fairgrounds Facility are pollutant sources and include, but are not limited to: animal confinement; animal feeding; shipping, receiving, and moving equipment around the Facility; racetrack operations; manure and bedding handling; animal wash racks; and facility and equipment maintenance including vehicle maintenance, repair, washing, and fueling.

The Del Mar Fairground is designated a Large Concentrated Animal Feeding Operation (CAFO) (40 C.F.R. §122.23) and Feedlot (40 C.F.R. Part 412) and is subject to the General Permit.¹ Del Mar Fairgrounds enrolled as a discharger subject to the General Industrial Permit on February 3, 1993 for its facility located at 2260 Jimmy Durante Boulevard, Del Mar, California 92014. Del Mar Fairgrounds enrolled under the New Industrial Permit on June 3, 2015, WDID Number 9 371001942.

Storm water discharges from Horse Racing and Track Operation facilities, like the Del Mar Fairgrounds Facility, contain pollutants such as nitrogen, phosphorous, bacteria, and toxic heavy metals (such as copper, lead, and zinc). Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, and/or developmental or reproductive harm. The San Dieguito River is on the 303(d) list as impaired for enterococcus, fecal coliform, nitrogen, phosphorous, total dissolved solids, and toxicity. The Pacific Ocean Shoreline at the San Dieguito Lagoon Mouth is on the 303(d) list as impaired for fecal coliform, enterococcus, and total coliform. San Dieguito Lagoon is a Marine Protected Area covering more than two hundred acres of wetlands. Polluted discharges from industrial sites such as the Del Mar Fairgrounds Facility contribute to the degradation of these already impaired surface waters and of the ecosystems and wildlife that depend on them.

Pursuant to Section C(1) of the General Industrial Permit, a facility operator must comply with all conditions of the General Industrial Permit. (See New Industrial Permit, §I.A.8. [dischargers must "comply with all requirements, provisions, limitations, and prohibitions in this General Permit."]). Failure to comply with the General Industrial Permit is a Clean Water Act violation. (General Industrial Permit, § C.I; New Industrial Permit §XXI.A.). Any non-compliance further exposes an owner/operator to an (a) enforcement action; (b) General Industrial Permit termination, revocation and re-issuance, or modification; or (c) denial of a General Industrial Permit renewal application. As an enrollee, Del Mar Fairgrounds has a duty to comply with the General Industrial Permit and is subject to all of the provisions therein.

¹ See Attachment A to the General Industrial Permit, "Facilities Covered by National Pollution Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit)." Further, under the direction of the San Diego Regional Board it has been determined that CAFO regulations will be permitted through the Industrial General Permit.

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B. Failure to Monitor and Report

The Del Mar Fairgrounds Owners and/or Operators have failed to sample as required under the General Industrial Permit. Through the 2011-2016 reporting period, facility operators were required to analyze stormwater samples for fecal coliform, total coliform, enterococcus, total suspended solids, mercury, nitrite plus nitrate, ammonia, copper, zinc, and any other pollutants which are likely to be present in significant quantities in stormwater discharging from the facility. Available stormwater data throughout this period illustrates that the Fairgrounds Facility has failed to consistently sample and/or report for each of these pollutants. For example, the Fairgrounds Facility Owner and/or Operator failed to sample for enterococcus during any year other than the 2014-2015 Wet Season.

The Fairgrounds Facility Owner and/or Operator has failed and continues to fail to submit Annual Reports that comply with the Storm Water Permit reporting requirements. For example, in each Annual Report since the filing of the 2010-2011 Annual Report, the Fairgrounds Facility Owner and/or Operator certified that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the General Industrial Permit; (2) the SWPPP's BMPs address existing potential pollutant sources; and (3) the SWPPP complies with the General Industrial Permit, or will otherwise be revised to achieve compliance. However, information available to Citizen Groups indicates that these certifications are erroneous. For example, although storm water samples collected from the Facility have consistently contained elevated concentrations of pollutants, thereby demonstrating that BMPs must be revised, the Annual Report fails to address this as required by the Stormwater Permit.

The Fairgrounds Facility Owner and/or Operator has also submitted incomplete Annual Reports. For instance, the facility operator must report any noncompliance with the Storm Water Permit at the time that the Annual Report is submitted, including 1) a description of the noncompliance and its cause, 2) the period of noncompliance, 3) if the noncompliance has not been corrected, the anticipated time it is expected to continue, and 4) steps taken or planned to reduce and prevent recurrence of the noncompliance. General Industrial Permit, Section C(11)(d). The Fairgrounds Facility Owner and/or Operator did not report its non-compliance as required.

The General Industrial Permit requires a permittee whose discharges violate the Storm Water Permit Receiving Water Limitations to submit a written report identifying what additional BMPs will be implemented to achieve water quality standards. General Industrial Permit, Receiving Water Limitations C(3) and C(4). Information available to Citizen Groups indicates that the Fairgrounds Facility Owner and/or Operator has failed to submit the reports required by Receiving Water Limitations C(3) and C(4) of the 1997 Permit. As such, the Fairgrounds Facility Owner and/or Operator is in daily violation of this requirement of the Storm Water Permit.

The Del Mar Fairgrounds Owners and/or Operators had numerous opportunities to sample and report but failed to do so. They are thus subject to penalties in accordance with the General Industrial Permit – punishable by a minimum of \$37,500 per day of violation. (33 U.S.C. §1319(d); 40 CFR 19.4).

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C. The Del Mar Fairgrounds Facility Discharges Contaminated Storm Water in Violation of the General Industrial Permit and Effluent Limitation Guidelines

i. Discharges of Polluted Storm Water from the Fairgrounds Facility in Violation of Discharge Prohibitions and Effluent Limitations of the Storm Water Permit

The Del Mar Fairgrounds Owners and/or Operators' monitoring reports indicate consistent exceedances and violations of the General Industrial Permit. Discharge Prohibition A(2) of the General Industrial Permit and New Industrial Permit Sections III.C-D prohibit storm water discharges and authorized non-storm water discharges which cause or threaten to cause pollution, contamination, or nuisance.

Effluent Limitations of the Industrial Storm Water Permit require dischargers to reduce or prevent pollutants in their storm water discharges through implementation of best management practices ("BMPs") that achieve best available technology economically achievable ("BAT") for toxic pollutants² and best conventional pollutant control technology ("BCT") for conventional pollutants.³ Effluent Limitations are found in Section B(3) of the General Industrial Permit and Section V.A. of the New Permit. EPA Benchmark Levels are relevant and objective guidelines to evaluate whether a permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitations of the Stormwater Permit.⁴ Furthermore, the Facility is subject to EPA regulations at 40 CFR Chapter I Subchapter N that establish technology-based Effluent Limitation Guidelines (ELGs) for industrial storm water discharges.⁵

Storm water sampling at the Fairgrounds Facility demonstrates that the Facility's storm water discharges contain concentrations of pollutants above the Benchmark Levels. *See* Exhibit A (table listing the Facility's storm water samples exceeding Benchmark Level(s), as reported to the Regional Board by the Fairgrounds Facility Owner and/or Operator). For example, the freshwater EPA Benchmark for zinc is 0.12 mg/L. A storm water sample collected from the Facility in December 2015 exceeded the freshwater EPA Benchmark for zinc by almost seven (7) times. Another sample collected in December 2014 exceeded the EPA Benchmark for TSS (100 mg/L) by over twenty three (23) times. When saltwater benchmarks are used, exceedances are often greater. For example, a storm water sample collected in September 2015 exceeded the saltwater EPA Benchmark for copper (0.0048 mg/L) by over thirteen times (13). There are multiple violations every year with every single storm event reported for the past five years. *See* Exhibit A. In fact, since May 2011, the Fairgrounds has exceeded applicable water quality standards at least 395 times.

² BAT is defined at 40 CFR § 442.23. Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

³ BCT is defined at 40 C.F.R. § 442.22. Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biological oxygen demand, total suspended solids, oil and grease, pH, and fecal coliform.

⁴ *See* EPA Multi-Sector General Permit (2015), Fact Sheet, p. 52; *see also*, EPA Proposed Multi-Sector General Permit (2013), Fact Sheet, p. 50; EPA Multi-Sector General Permit (2008), Fact Sheet, p. 106; EPA Multi-Sector General Permit, 65 Federal Register 64839 (2000).

⁵ *See* New Permit Section I, Finding K.

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Because the Fairgrounds' discharge violations are ongoing, post July 1, 2015, each storm water discharge from the Fairgrounds Facility constitutes a violation of Effluent Limitation V.A. of the New Permit. The repeated and significant exceedances of water quality standards and Benchmark Levels demonstrate that the Fairgrounds Facility Owner and/or Operator has failed and continues to fail to develop and/or implement required BMPs at the Facility that achieve compliance with the BAT/BCT standards.

Further, as a CAFO subject to effluent limitation guidelines (ELGs), the Fairgrounds is subject special provisions of the New Industrial Permit. "Industrial storm water discharges from facilities subject to storm water ELGs in Subchapter N shall not exceed those storm water ELGs." New Industrial Permit, V.B. Further, for those facilities subject to Subchapter N, "compliance with the BAT/BCT and ELG requirements constitutes compliance with technology-based requirements of this General Permit." New Industrial Permit, I.K.58.

ELGs and Standards for CAFOs established in 40 CFR Part 412 (Subpart A: Horse and Sheep) are applicable to the Facility.⁶ Under 40 CFR §412.12:

Any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BPT: There shall be no discharge of process waste water pollutants to navigable waters.

(b) Process waste pollutants in the overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow of process waste water from a facility designed, constructed and operated to contain all process generated waste waters plus the runoff from a 10-year, 24-hour rainfall event for the location of the point source.

Similar provisions apply to effluent limitations attainable by application of BAT under 40 CFR §412.13:

Any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BAT: There shall be no discharge of process waste water pollutants into U.S. waters.

(b) Whenever rainfall events cause an overflow of process wastewater from a facility designed, constructed, operated, and maintained to contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event at the location of the point source, any process wastewater pollutants in the overflow may be discharged into U.S. waters.

⁶ New Permit Section V.B.

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Process wastewater is broadly defined in 40 CFR §412.2(d) as:

[W]ater directly or indirectly used in the operation of the CAFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other CAFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs, or bedding. (emphasis added).

The Fairgrounds has violated and continues to violate ELGs applicable to the Facility under 40 CFR § 412. As evidenced by its own monitoring data, with each rainfall the Facility unlawfully discharges process wastewater. *See* Exhibit A. Indeed, the Facility's own Nutrient Management Plan ("NMP") acknowledges the Fairgrounds are not designed to meet the ELGs in 40 CFR §§412.12 and 412.13. The NMP boldly proclaims "that the detention of the 25-year 24-hour storm is not applicable at this project site" because of onsite BMPs and sewer diversion.⁷ (NMP, p. 3). The Facility, however, diverts only limited flows. *See* NMP, February 1, 2008, p. 4 ["During the wet season (October 1 through April 30), only first flush runoff (roughly equivalent to 0.2 inches) is diverted to the sewer, and the remaining flows are discharged to Stevens Creek at Discharge Point #1."]. Further, because storm water runoff between CAFO and non-CAFO areas are combined and discharged through the five major discharge points, the Facility routinely discharges process waste water pollutants into waters of the U.S., in violation of applicable ELGs.

ii. Discharges of Polluted Storm Water from the Fairgrounds Facility in Violation of Receiving Water Limitations of the Storm Water Permit

Receiving Water Limitation C(1) of the Storm Water Permit prohibits storm water discharges to surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation C(2) prohibits storm water discharges and authorized non-storm water discharges which cause or contribute to an exceedance of any water quality standards or applicable Basin Plan water quality standards. (See New Industrial Permit Receiving Water Limitations VI.A-C). In addition, Receiving Water Limitation VI.C. of the New Industrial Permit prohibits discharges that contain pollutants in quantities that threaten to cause pollution or a public nuisance.

The California Toxics Rule ("CTR"), 40 C.F.R. 131.38, is an applicable water quality standard. (*Baykeeper v. Kramer Metals, Inc.* (C.D.Cal. 2009) 619 F.Supp.2d 914, 926). "In sum, the CTR is a water quality standard in the General Permit, Receiving Water Limitation C(2). A permittee violates Receiving Water Limitation C(2) when it 'causes or contributes to an exceedance of' such a standard, including the CTR." (*Id.* at 927). As the 22nd Agricultural Association has previously acknowledged, the CTR acute criteria are applicable to the Del Mar Fairgrounds' storm water discharge. *See* Del Mar Fairgrounds Master Plan EIR, p. 4.11-13.

⁷ The effectiveness of diverting storm water flows to the sanitary sewer will also likely be limited by the Fairgrounds' commitment to reduce the volume of such flows. SWMP, October 2015, p. 18 ["Due to these limits, and in order to begin to plan to accommodate future Del Mar Fairgrounds Master Plan Projects, the 22nd DAA has proposed changes to their operations that will lower the quantity of wastewater discharged into the City sewer system. This will be achieved mainly by eliminating opportunities for storm water to enter the sewer"].

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The Water Quality Control Plan for the San Diego Basin (Basin Plan) also establishes water quality standards and limitations in order to protect such beneficial uses. *See* Del Mar Fairgrounds Master Plan EIR, p. 4.11-16, Table 4.11.B. In addition to numerous, significant, and continuous violations of CTR, the Fairgrounds has continued to violate WQS in the Basin Plan every year for the past five years. For example, the San Dieguito River and San Diego Lagoon have a maximum concentration of enterococcus of 61 MPN/100ml. A stormwater sample from September 15, 2015 showed a enterococcus concentration of one hundred and seventy thousand (170,000) MPN/100ml, an exceedance of the Basin Plan limitation by more than two thousand seven hundred (2,700) times. *See* Exhibit A. Similar violations have been reported for fecal coliform and total coliform over the past five years.

If a discharger violates Water Quality Standards, the General Industrial Permit and the Clean Water Act require that the discharger implement more stringent controls necessary to meet such Water Quality Standards. (General Industrial Permit, Fact Sheet p. viii; 33 U.S.C. § 1311(b)(1)(C)). The Del Mar Fairgrounds Owners and/or Operators have failed to comply with this requirement, routinely violating Water Quality Standards without implementing BMPs to achieve BAT/BCT or revising the Facility's SWPPP pursuant to General Industrial Permit section (C)(3) and New Industrial Permit Section X.B.1.

As demonstrated by sample data submitted by Del Mar Fairgrounds, from May 12, 2011 through the present, the Del Mar Fairgrounds Owners and/or Operators have discharged and continue to discharge storm water containing pollutants at levels in violation of water quality prohibitions and limitations during every significant rain event. The Del Mar Fairgrounds Facility's sampling data reflects numerous discharge violations. *See* Exhibit A. Del Mar Fairgrounds' own sampling data is not subject to impeachment. (*Baykeeper, supra*, 619 F.Supp. 2d at 927, citing *Sierra Club v. Union Oil Co. of Cal.*, (9th Cir. 1987) 813 F.2d 1480, 1492 ["when a permittee's reports indicate that the permittee has exceeded permit limitations, the permittee may not impeach its own reports by showing sampling error"]).

Exhibit A further demonstrates the Del Mar Fairgrounds Facility continuously discharges contaminated storm water during rain events which have not been sampled.

D. Failure to Develop, Implement, and/or Revise an Adequate Storm Water Pollution Prevention Plan (SWPPP)

One of the main requirements for the General Industrial Permit is the Storm Water Pollution Prevention Plan (SWPPP). (General Industrial Permit §A; New Industrial Permit §X.). Del Mar Fairgrounds has not developed an adequate SWPPP as required by the General Permit, with required elements noticeably absent from the Del Mar Fairgrounds Facility SWPPP. (New Industrial Permit, §X.A.1-10).

The Fairgrounds Facility Owners and/or Operators have failed and continue to fail to develop and/or implement a SWPPP that contains BMPs to prevent the exposure of pollutant sources to storm water and the subsequent discharge of polluted storm water from the Facility, as required by the Storm Water Permit. The SWPPP inadequacies are documented by the continuous and ongoing discharge of storm water containing pollutant levels that exceed EPA Benchmarks and applicable WQS. *See, e.g.*, Exhibit A. Fairgrounds Facility's Owner and/or Operator has failed and continues to fail to adequately develop or implement a SWPPP at the Facility that prevents discharges from violating the Discharge

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Prohibitions, Effluent Limitations and Guidelines, and Receiving Water Limitations of the Industrial Stormwater Permit.

The latest SWPPP also fails to account for the numerous and repeated violations identified by Del Mar Fairgrounds' monitoring data – ensuring these violations continue. The SWPPP is therefore inadequate. (See New Industrial Permit §I.E.37. [“Compliance with water quality standards may, in some cases, require Dischargers to implement controls that are more protective than controls implemented solely to comply with the technology-based requirements in this General Permit.”]). Further, if a discharger determines industrial discharges contain pollutants in violation of Receiving Water Limitations (Section VI), the discharger is required to assess the BMPs in the SWPPP and determine whether additional measures and a revised SWPPP are necessary. (New Industrial Permit, §XX.B.1).

In addition, the 2015 Fairgrounds SWPPP suggests that direction of flow, areas of soil erosion, location of directly exposed materials, shipping and receiving areas, and dust and particulate generation areas are included on the Fairgrounds Facility Site Map, yet do not actually appear on the Site map included in the Fairgrounds SWPPP in violation of Section X.E.3 of the New Permit. Further, while the 2015 Fairgrounds SWPPP includes information on assessment of potential pollutant sources, the SWPPP fails to identify any areas of the facility where the minimum BMPs described in the New Industrial Permit will not adequately reduce or prevent pollutants in storm water discharges, nor does the SWPPP identify any advanced BMPs for those areas, in violation of Section X.G.2.b. of the New Industrial Permit.

Every day the Del Mar Fairgrounds Owners and/or Operators operate the Facility without an adequate SWPPP, is a separate and distinct violation of the General Industrial Permit, New Industrial Permit, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Del Mar Fairgrounds Owners and/or Operators have been in daily and continuous violation of the General Industrial Permit and New Industrial Permit since at least May 12, 2011. These violations are ongoing and the Del Mar Fairgrounds Owners and/or Operators will continue to be in violation every day they fail provide an adequate SWPPP for the Facility. Thus, the Del Mar Fairgrounds Owners and/or Operators are liable for civil penalties of up to \$37,500 per day of violation for 1,825 violations of the General Industrial Permit and the Clean Water Act.

E. Unpermitted Discharges

Section 301(a) of the CWA prohibits the discharge of any pollutant into waters of the United States unless the discharge is authorized by a NPDES permit issued pursuant to section 402. See 33 U.S.C. §§ 1311(a), 1342. The Act defines “pollutant” to include solid waste, biological materials, and agricultural waste discharged into water. 33 U.S.C. § 1362(6). CAFOs “are point sources, subject to the NPDES permitting requirements...” 40 CFR §122.23(a). Therefore, the discharge of pollutants, including process wastewater, into waters of the United States from a CAFO constitutes a regulated discharge of a pollutant from a point source and is prohibited unless in compliance with an NPDES permit. Because the Facility constitutes a Large CAFO pursuant to 40 CFR §122.23(b)(4), its discharges must be authorized by an NPDES permit.

Any point source, including a CAFO, that discharges or proposes to discharge must obtain an NPDES permit. See 40 C.F.R. § 122.21(a). Further, any CAFO that discharges without an NPDES permit remains in a continuing state of violation of the Act until it either obtains an NPDES permit or no longer meets the definition of a point source.

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Save the Valley, Inc. v. United States EPA (S.D.Ind. 2002) 223 F.Supp.2d 997, 1007.

The Fairgrounds does not possess such an NPDES permit. Notwithstanding this failure, for years the Facility has unlawfully discharged pollutants into waters of the U.S. The Fairgrounds' routine and repeated water quality standard violations – as demonstrated by the Facility's monitoring data – confirm the Facility discharges polluted process waste water into surface waters and ground water *year-round*. "Monitoring of the discharge from the track surface continually exceeds water quality standards for pathogens, nutrients and BOD/COD." Del Mar Fairgrounds Backstretch And Dirt Track Water Quality Improvements For CAFO And Non-CAFO Discharges ("Infield Treatment System Proposal"), p 7; see also, Infield Treatment System Proposal, p. 7 [suggesting runoff from the track should be treated "in consideration of the fact that monitoring of runoff from the track when horses are not present reveals exceedances of water quality objectives," emphasis added]. Thus, the Fairgrounds position that CAFO regulations are inapplicable when horses are not present is not only contrary to the plain reading of the Clean Water Act, but also undermined by the Facility's monitoring data.

Further, the New Industrial Permit does not authorize the discharge of process waste water. "Except for non-storm water discharges (NSWDs) authorized in Section IV, discharges of liquids or materials other than storm water, either directly or indirectly to waters of the United States, are prohibited unless authorized by another NPDES permit. Unauthorized NSWDs must be either eliminated or authorized by a separate NPDES permit." New Industrial Permit, III.B.

In addition, the Fairgrounds' precipitation-related discharge of process wastewater is not considered lawfully discharged agricultural storm water.

For unpermitted Large CAFOs, a precipitation-related discharge of manure, litter, or process wastewater from land areas under the control of a CAFO shall be considered an agricultural stormwater discharge only where the manure, litter, or process wastewater has been land applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater, as specified in § 122.42(e)(1)(vi) through (ix).

40 CFR 122.23(e)(1), emphasis added. Here, there is admittedly no land application of fertilizers: "[t]he application of nutrient fertilizers on CAFO production areas is not conducted, and thus nutrient loadings as a result of land applications of manure are not a concern." NMP, p. 5. "It should be noted that the Del Mar Fairgrounds does not land-apply any manure or process wastewater generated at the facility..." NMP, p. 1. Thus, any discharge of manure or process wastewater is clearly not in compliance with the NMP.

Further, Section 122.42(e)(1) requires BMPs that meet the requirements of 40 CFR §412. As mentioned above, the Fairgrounds does not "contain all process-generated wastewaters plus the runoff from a 25-year, 24-hour rainfall event" as required by 40 CFR 412.13. NMP, p. 3.⁸ Moreover, because the

⁸ The Fairgrounds' attempt to separate "non-horse" and "horse areas" in its calculations is not only disingenuous, but also unpermitted. See Infield Treatment System Proposal, p. 7. First, the Facility admittedly comingles process wastewater and storm water. All comingled flows are therefore considered process wastewater. Further, "non-horse" areas routinely exhibit water quality exceedances similar to those of "horse areas," indicating process wastewater is discharged from "non-horse areas" as well.

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Facility comingles storm water and process wastewater, every precipitation event results in the unlawful discharge of process wastewater. See NMP, p. 19 [“storm water runoff estimates cannot be separated between CAFO and non-CAFO areas since all storm water runoff is combined and discharged off-site at the five major discharge points.”]. Therefore, the Facility’s precipitation-related discharge of process waste water constitutes a violation of the CWA.

Lastly, because the infield lakes are tidally influenced and influenced by groundwater, use of the lakes as a detention basin for process wastewater⁹ (at times comingled with storm water) results in further year-round unlawful discharge of process wastewater to U.S. waters. See Infield Treatment System Proposal, p. 9; NMP, p. 4; Master Plan EIR, pp. 4.11-9, 4.11-51 [“Because of the proximity to groundwater, infiltrated surface water would have the potential to introduce pollutants to the groundwater.”].

Because Fairgrounds Owner and/or Operators have not obtained coverage under a separate NPDES permit and have failed to eliminate discharges not permitted by the Industrial Stormwater Permit, each and every discharge from the Facility described herein not in compliance with the Industrial Stormwater Permit has constituted and will continue to constitute a discharge without CWA permit coverage in violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

III. Remedies

Upon expiration of the 60-day period, CERF and Coastkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for the above-referenced violations. During the 60-day notice period, however, CERF and Coastkeeper are willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, it is suggested that you initiate those discussions immediately.

Del Mar Fairgrounds must develop and implement an updated SWPPP, install BMPs to address the numerous and ongoing water quality violations, and implement a robust monitoring and reporting plan. Should the Del Mar Fairgrounds Owners and/or Operators fail to do so, CERF and Coastkeeper will file an action against Del Mar Fairgrounds for its prior, current, and anticipated violations of the Clean Water Act. CERF and Coastkeeper’s action will seek all remedies available under the Clean Water Act § 1365(a)(d). CERF and Coastkeeper will seek the maximum penalty available under the law which is \$37,500 per day.

CERF and Coastkeeper may further seek a court order to prevent Del Mar Fairgrounds from discharging pollutants. A strong or substantial likelihood of success on the merits of CERF’s claim exists, and irreparable injuries to the public, public trust resources, and the environments will result if the Facility further discharges pollutants into Receiving Waters.

Lastly, section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), permits prevailing parties to recover costs, including attorneys’ and experts’ fees. CERF and Coastkeeper will seek to recover all of their costs and fees pursuant to section 505(d).

⁹ Storm Water Management Plan, p. 53 [“Dry weather flows pumped to infield lakes for detention.”]; see also, Storm Water Management Plan, pp. 89, 92

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IV. Conclusion

CERF and Coastkeeper have retained legal counsel to represent it in this matter. Please direct all communications to CERF and Coastkeeper's legal counsel:

Livia Borak and Marco Gonzalez
livia@coastlawgroup.com
Coast Law Group, LLP
1140 South Coast Highway 101
Encinitas, California 92024
Tel: 760-942-8505

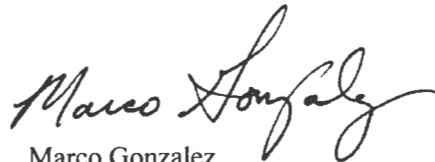
Matt O'Malley
matt@sdcoastkeeper.org
San Diego Coastkeeper
2825 Dewey Rd., #200
San Diego, California 92106
Tel: (619) 758-7743

If you wish to pursue settlement discussions in the absence of litigation, please contact Coast Law Group LLP and San Diego Coastkeeper immediately.

Sincerely,



Matt O'Malley
Attorney for San Diego Coastkeeper



Marco Gonzalez
Livia Borak
Attorneys for Coastal Environmental
Rights Foundation

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SERVICE LIST

VIA U.S. MAIL

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Administrator
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Washington, D.C. 20460

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State Water Resources Control Board
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Sacramento, California 95812

David W. Gibson
Executive Officer
San Diego Regional Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, California 92108

No.	Date/Time of sample collection	Sample ID	Parameter ^a	Result	Basin Plan Standard	Magnitude of exceedance	CR Standard	Magnitude of exceedance	MSGP Standard	Magnitude of exceedance
1	4/7/16 2:00 PM	5	Fecal Coliform	11000	400	27.50				
2	4/7/16 2:00 PM	5	Enterococci	2300	63	36.70				
3	4/7/16 2:00 PM	5	Total Coliform	17000	10000	1.70				
4	4/7/16 1:40 PM	4	Fecal Coliform	8000	400	20.00				
5	4/7/16 1:40 PM	4	Enterococci	2800	63	44.44				
6	4/7/16 1:40 PM	4	Total Coliform	22000	10000	2.20				
7	4/7/16 1:10 PM	2	Fecal Coliform	5000	400	12.50				
8	4/7/16 1:10 PM	2	Enterococci	3000	63	47.62				
9	4/7/16 12:40 PM	1	Fecal Coliform	4000	400	10.00				
10	4/7/16 12:40 PM	1	Enterococci	800	63	12.70				
11	4/7/16 12:40 PM	1	Total Coliform	30000	10000	3.00				
12	4/7/16 2:00 PM	5	Zinc Total	0.14			0.12	1.17	0.02	0.05
13	4/7/16 2:00 PM	5	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	36					30	1.20
14	4/7/16 2:00 PM	5	Nitrogen (total)	3					0.68	0.44
15	4/7/16 2:00 PM	5	Total Suspended Solids (TSS)	159					100	1.59
16	4/7/16 1:40 PM	4	Zinc Total	0.28			0.12	2.33	0.12	0.25
17	4/7/16 1:40 PM	4	Copper Total	0.023			0.013	1.77	0.014	1.64
18	4/7/16 1:40 PM	4	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	49					30	1.63
19	4/7/16 1:40 PM	4	Nitrogen (total)	4					0.68	0.59
20	4/7/16 1:40 PM	4	Total Suspended Solids (TSS)	120					100	1.20
21	4/7/16 1:40 PM	4	Chloride	328	150	2.18				
22	4/7/16 1:40 PM	4	Chemical Oxygen Demand (COD)	147					120	1.23
23	4/7/16 1:40 PM	4	Total Dissolved Solids (TDS)	800	500	1.60				
24	4/7/16 1:10 PM	2	Nitrogen (total)	2.4					0.68	0.35
25	4/7/16 1:10 PM	2	Zinc Total	0.25			0.12	2.08	0.12	1.25
26	4/7/16 12:40 PM	1	Zinc Total	0.6			0.12	5.00	0.12	1.25
27	4/7/16 12:40 PM	1	Copper Total	0.045			0.013	3.46	0.014	3.21
28	4/7/16 12:40 PM	1	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	67					30	2.23
29	4/7/16 12:40 PM	1	Nitrogen (total)	6.1					0.68	8.97
30	4/7/16 12:40 PM	1	Total Suspended Solids (TSS)	1770					100	17.70
31	4/7/16 12:40 PM	1	Chloride	364	150	2.43				WVAIVE
32	4/7/16 12:40 PM	1	Chemical Oxygen Demand (COD)	169					120	1.41
33	4/7/16 12:40 PM	1	Total Dissolved Solids (TDS)	1010	500	2.02				
34	4/7/16 12:40 PM	1	Ammonia Total (as N)	1.85					2.14	1.81
35	12/22/15 10:15 AM	4	Zinc Total	0.15			0.12	1.25	0.12	0.05
36	12/22/15 10:15 AM	4	Total Dissolved Solids (TDS)	3340	500	6.68				
37	12/22/15 10:15 AM	4	Total Coliform	30000	10000	3.00				
38	12/22/15 10:15 AM	4	Sulfate	375	450	1.50				
39	12/22/15 10:15 AM	4	Phosphorus Total (as P)	5.25					1	5.25
40	12/22/15 10:15 AM	4	Nitrogen (total)	8					0.68	1.19
41	12/22/15 10:15 AM	4	Fecal Coliform	2300	400	5.75				
42	12/22/15 10:15 AM	4	Enterococci	3000	63	47.62				
43	12/22/15 10:15 AM	4	Copper Total	0.03			0.013	2.31	0.014	2.14
44	12/22/15 10:15 AM	4	Chloride	1560	150	10.40				
45	12/22/15 10:15 AM	4	Chemical Oxygen Demand (COD)	253					120	2.11
46	12/22/15 10:00 AM	2	Total Coliform	22000	10000	2.20				
47	12/22/15 10:00 AM	2	Enterococci	400	63	6.35				
48	12/22/15 10:00 AM	2	Copper Total	0.014			0.013	1.08	0.014	1.08
49	12/22/15 9:20 AM	1	Total Dissolved Solids (TDS)	7370	500	14.74				
50	12/22/15 9:20 AM	1	Total Coliform	22000	10000	2.20				
51	12/22/15 9:20 AM	1	Sulfate	250	450	1.00				

52	12/22/15 9:20 AM	3	Phosphorus Total (as P)	4.23				2	2.43
53	12/22/15 9:20 AM	3	Nitrogen (total)	5.3				0.66	1.75
54	12/22/15 9:20 AM	3	Enterococci	500	61	8.00			
55	12/22/15 9:20 AM	1	Chloride	3810	250	15.34			
56	12/22/15 9:20 AM	1	Chemical Oxygen Demand (COD)	393				1.00	5.38
57	12/22/15 9:20 AM	1	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	92				20	3.07
58	12/22/15 9:20 AM	1	Ammonia Total (as N)	0.8				2.14	2.41
59	12/22/15 8:40 AM	5	Zinc Total	0.82		0.12	6.83	0.12	6.83
60	12/22/15 8:40 AM	5	Phosphorus Total (as P)	4.5				1	2.35
61	12/22/15 8:40 AM	2	Nitrogen (total)	3.4				0.66	1.62
62	12/22/15 8:40 AM	5	Nitrogen (total)	3.1				0.66	4.36
63	12/22/15 8:40 AM	5	Fecal Coliform	1100	480	1.75			
64	12/22/15 8:40 AM	5	Enterococci	1400	61	12.55			
65	12/22/15 8:40 AM	5	Copper Total	0.043			0.013	3.15	0.014
66	9/15/15 12:20 PM	4	Zinc Total	0.17			0.12	3.42	0.12
67	9/15/15 12:20 PM	2	Total Suspended Solids (TSS)	167				100	1.57
68	9/15/15 12:20 PM		Total Coliform	110000	10000	1.75			
69	9/15/15 12:20 PM		Fecal Coliform	30000	400	1.75			
70	9/15/15 12:20 PM		Enterococci	17000	61	218.83			
71	9/15/15 12:20 PM	3	Copper Total	0.015			0.013	3.15	0.014
72	9/15/15 12:20 PM	2	Ammonia Total (as N)	2.75				2.14	1.35
73	9/15/15 11:40 AM	1	Zinc Total	0.39			0.12	3.45	0.12
74	9/15/15 11:40 AM	1	Total Suspended Solids (TSS)	309				1.00	3.85
75	9/15/15 11:40 AM	1	Total Dissolved Solids (TDS)	1250	500	1.50			
76	9/15/15 11:40 AM	1	Total Coliform	130000	10000	1.800			
77	9/15/15 11:40 AM	1	Phosphorus Total (as P)	6				2	5.38
78	9/15/15 11:40 AM	1	Nitrogen (total)	5.5				0.66	9.06
79	9/15/15 11:40 AM	1	Fecal Coliform	30000	400	1.75			
80	9/15/15 11:40 AM	1	Enterococci	50000	61	599.83			
81	9/15/15 11:40 AM	1	Copper Total	0.024			0.013	3.45	0.014
82	9/15/15 11:40 AM	1	Chloride	465	250	1.86			
83	9/15/15 11:40 AM	1	Chemical Oxygen Demand (COD)	169				1.00	5.38
84	9/15/15 11:40 AM	1	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	82				20	2.73
85	9/15/15 11:40 AM	1	Ammonia Total (as N)	2.9				2.14	1.35
86	9/15/15 10:40 AM	5	Zinc Total	0.32			0.12	3.47	0.12
87	9/15/15 10:40 AM	5	Total Suspended Solids (TSS)	421				1.00	4.11
88	9/15/15 10:40 AM	5	Total Coliform	170000	10000	2.100			
89	9/15/15 10:40 AM	5	Phosphorus Total (as P)	2.1				2	1.89
90	9/15/15 10:40 AM	5	Nitrogen (total)	5.5				0.66	6.06
91	9/15/15 10:40 AM	5	Fecal Coliform	8000	400	2.000			
92	9/15/15 10:40 AM	5	Enterococci	11000	61	180.83			
93	9/15/15 10:40 AM	5	Copper Total	0.041			0.013	3.15	0.014
94	9/15/15 10:40 AM	5	Chemical Oxygen Demand (COD)	149				1.00	1.24
95	9/15/15 10:40 AM	5	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	71				20	2.37
96	9/15/15 10:40 AM	5	Ammonia Total (as N)	3				2.14	1.40
97	9/15/15 10:20 AM	8	Zinc Total	0.44			0.12	3.67	0.12
98	9/15/15 10:20 AM	4	Total Coliform	50000	10000	1.500			
99	9/15/15 10:20 AM	8	Nitrogen (total)	7				0.66	10.25
100	9/15/15 10:20 AM	4	Fecal Coliform	17000	400	1.800			
101	9/15/15 10:20 AM	4	Enterococci	170000	50	1700.00			
102	9/15/15 10:20 AM	4	Copper Total	0.064			0.013	3.50	0.014
103	9/15/15 10:20 AM	4	Ammonia Total (as N)	4.35				2.14	2.63

104	12/12/14 8:20 AM	4	Zinc Total	0.15	0.12	1.25	
105	12/12/14 8:20 AM	4	Total Suspended Solids (TSS)	224			
106	12/12/14 8:20 AM	4	Nitrite Plus Nitrate (as N)	3.1			
107	12/12/14 8:20 AM	4	Copper Total	0.022	0.013	1.69	
108	12/12/14 8:05 AM	2	Total Suspended Solids (TSS)	175			
109	12/12/14 8:05 AM	2	Nitrite Plus Nitrate (as N)	2.9			
110	12/12/14 8:05 AM	2	Copper Total	0.023	0.013	1.77	
111	12/12/14 8:05 AM	2	Chemical Oxygen Demand (COD)	122			
112	12/12/14 8:05 AM	2	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	32			
113	12/12/14 7:45 AM	1	Total Suspended Solids (TSS)	2390			
114	12/12/14 7:45 AM	1	Total Dissolved Solids (TDS)	1030			
115	12/12/14 7:45 AM	1	Sulfate	320			
116	12/12/14 7:45 AM	1	Nitrite Plus Nitrate (as N)	5			
117	12/12/14 7:45 AM	1	Copper Total	0.023	0.013	1.77	
118	12/12/14 7:45 AM	1	Chloride	282			
119	12/12/14 7:45 AM	1	Chemical Oxygen Demand (COD)	300			
120	12/12/14 7:45 AM	1	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	74			
121	12/12/14 7:45 AM	1	Ammonia Total (as N)	2.2			
122	12/12/14 7:15 AM	5	Zinc Total	0.23	0.12	1.92	
123	12/12/14 7:15 AM	5	Total Suspended Solids (TSS)	164			
124	12/12/14 7:15 AM	5	Nitrite Plus Nitrate (as N)	3.4			
125	12/12/14 7:15 AM	5	Copper Total	0.03	0.013	2.31	
126	12/2/14 5:55 PM	1	Total Suspended Solids (TSS)	1600			
127	12/2/14 5:55 PM	1	Total Dissolved Solids (TDS)	874			
128	12/2/14 5:55 PM	1	Total Coliform	160000			
129	12/2/14 5:55 PM	1	Nitrite Plus Nitrate (as N)	16.4			0.65
130	12/2/14 5:55 PM	1	Fecal Coliform	22000			24.12
131	12/2/14 5:55 PM	1	Enterococci	40000			
132	12/2/14 5:55 PM	1	Chloride	348			
133	12/2/14 5:55 PM	1	Chemical Oxygen Demand (COD)	223			
134	12/2/14 5:55 PM	1	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	89			
135	12/2/14 5:55 PM	1	Ammonia Total (as N)	5.25			
136	12/2/14 5:45 PM	2	Zinc Total	0.3	0.12	2.50	
137	12/2/14 5:45 PM	2	Total Coliform	24000			
138	12/2/14 5:45 PM	2	Nitrite Plus Nitrate (as N)	5.7			
139	12/2/14 5:45 PM	2	Fecal Coliform	11000			
140	12/2/14 5:45 PM	2	Enterococci	11000			
141	12/2/14 5:45 PM	2	Copper Total	0.02	0.013	1.54	
142	12/2/14 5:45 PM	2	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	31			
143	12/2/14 5:20 PM	4	Zinc Total	0.13	0.12	1.08	
144	12/2/14 5:20 PM	4	Total Suspended Solids (TSS)	566			
145	12/2/14 5:20 PM	4	Nitrite Plus Nitrate (as N)	7.8			
146	12/2/14 5:20 PM	4	Fecal Coliform	1100			
147	12/2/14 5:20 PM	4	Enterococci	12000			
148	12/2/14 5:20 PM	4	Copper Total	0.023	0.013	1.77	
149	12/2/14 5:20 PM	4	Chemical Oxygen Demand (COD)	158			
150	12/2/14 5:20 PM	4	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	46			
151	12/2/14 5:20 PM	4	Ammonia Total (as N)	4.5			
152	12/2/14 5:10 PM	5	Zinc Total	0.37	0.12	3.08	
153	12/2/14 5:10 PM	5	Total Coliform	330000			

Freshwater Standards

154	12/2/14 5:10 PM	5	Nitrite Plus Nitrate (as N)	5.1					0.66	2.38
155	12/2/14 5:10 PM	5	Fecal Coliform	24000	400	5000				
156	12/2/14 5:10 PM	5	Enterococci	24000	400	5000				
157	12/2/14 5:10 PM	5	Copper Total	0.036			0.013	2.31	0.014	2.31
158	12/2/14 5:10 PM	5	Ammonia Total (as N)	18					2.14	5.41
159	12/7/13 3:20 PM	2	Total Coliform	90000	10000	5000				
160	12/7/13 3:20 PM	2	Nitrite Plus Nitrate (as N)	3					0.66	5.41
161	12/7/13 3:20 PM	2	Fecal Coliform	2400	400	500				
162	12/7/13 3:20 PM	2	Copper Total	0.017			0.013	1.31	0.014	2.31
163	12/7/13 3:20 PM	2	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	33					30	1.10
164	12/7/13 3:00 PM	1	Zinc Total	0.13			0.12	1.05	0.12	1.05
165	12/7/13 3:00 PM	1	Total Coliform	160000	10000	1800				
166	12/7/13 3:00 PM	1	Sulfate	270	250	1.66				
167	12/7/13 3:00 PM	1	Nitrite Plus Nitrate (as N)	2.72					0.66	5.41
168	12/7/13 3:00 PM	1	Fecal Coliform	3600	400	2.85				
169	12/7/13 3:00 PM	1	Chloride	292	250	1.17				
170	12/7/13 3:00 PM	1	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	37.6					30	1.25
171	12/7/13 3:00 PM	1	Ammonia Total (as N)	5.3					2.14	5.41
172	12/7/13 2:40 PM	3	Total Suspended Solids (TSS)	175					100	1.51
173	12/7/13 2:40 PM	3	Total Coliform	50000	10000	500				
174	12/7/13 2:40 PM	3	Nitrite Plus Nitrate (as N)	5.13					0.66	5.41
175	12/7/13 2:40 PM	3	Fecal Coliform	3000	400	1.50				
176	12/7/13 2:40 PM	3	Copper Total	0.027			0.013	2.08	0.014	2.31
177	12/7/13 2:40 PM	3	Chemical Oxygen Demand (COD)	175					120	1.51
178	12/7/13 2:40 PM	3	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	55					30	1.83
179	12/7/13 2:40 PM	3	Ammonia Total (as N)	2.65					2.14	5.41
180	12/7/13 2:25 PM	4	Total Suspended Solids (TSS)	125					100	1.51
181	12/7/13 2:25 PM	4	Total Coliform	50000	10000	500				
182	12/7/13 2:25 PM	4	Sulfate	1800	250	1.20				
183	12/7/13 2:25 PM	4	Nitrite Plus Nitrate (as N)	2.72					0.66	5.41
184	12/7/13 2:25 PM	4	Fecal Coliform	2400	400	5.00				
185	12/7/13 2:25 PM	4	Copper Total	0.031			0.013	2.38	0.014	2.31
186	12/7/13 2:25 PM	4	Chloride	3980	250	13.91				
187	12/7/13 2:25 PM	4	Chemical Oxygen Demand (COD)	390					120	1.51
188	12/7/13 2:25 PM	4	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	110					30	3.67
189	12/7/13 2:25 PM	4	Ammonia Total (as N)	2.25					2.14	5.41
190	12/7/13 1:55 PM	5	Zinc Total	0.14			0.12	1.17	0.12	1.17
191	12/7/13 1:55 PM	5	Total Suspended Solids (TSS)	252					100	1.51
192	12/7/13 1:55 PM	5	Total Coliform	35000	10000	1.50				
193	12/7/13 1:55 PM	5	Nitrite Plus Nitrate (as N)	4.63					0.66	5.41
194	12/7/13 1:55 PM	5	Fecal Coliform	5000	400	1.50				
195	12/7/13 1:55 PM	5	Copper Total	0.02			0.013	1.54	0.014	1.41
196	12/7/13 1:55 PM	5	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	32					30	1.07
197	10/9/13 5:00 PM	1	Zinc Total	0.66			0.12	5.50	0.12	5.50
198	10/9/13 5:00 PM	1	Total Suspended Solids (TSS)	3350					100	19.50
199	10/9/13 5:00 PM	1	Total Coliform	50000	10000	500				
200	10/9/13 5:00 PM	1	Sulfate	275	250	1.10				
201	10/9/13 5:00 PM	1	Nitrite Plus Nitrate (as N)	8.64					0.66	5.41
202	10/9/13 5:00 PM	1	Fecal Coliform	9000		21.80				
203	10/9/13 5:00 PM	1	Copper Total	0.096			0.013	2.38	0.014	5.86

204	10/9/13 6:00 PM	1	Chloride	404	250	1.42				
205	10/9/13 6:00 PM	1	Chemical Oxygen Demand (COD)	746					120	6.22
206	10/9/13 6:00 PM	1	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	210					30	7.00
207	10/9/13 6:00 PM	1	Ammonia Total (as N)	3.5					2.14	1.64
208	10/9/13 5:30 PM	2	Zinc Total	0.4			0.12	3.33	0.12	3.33
209	10/9/13 5:30 PM	2	Total Coliform	17000	10000	1.70				
210	10/9/13 5:30 PM	2	Nitrite Plus Nitrate (as N)	4.85					0.68	7.13
211	10/9/13 5:30 PM	2	Fecal Coliform	2200	400	5.50				
212	10/9/13 5:30 PM	2	Copper Total	0.079			0.013	6.08	0.014	5.54
213	10/9/13 5:30 PM	2	Chemical Oxygen Demand (COD)	230					120	1.93
214	10/9/13 5:30 PM	2	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	66					30	2.20
215	10/9/13 5:30 PM	2	Ammonia Total (as N)	2.55					2.14	1.19
216	10/9/13 5:00 PM	3	Zinc Total	0.38			0.12	3.17	0.12	3.17
217	10/9/13 5:00 PM	3	Total Coliform	60000	10000	6.00				
218	10/9/13 5:00 PM	3	Nitrite Plus Nitrate (as N)	6.41					0.68	9.43
219	10/9/13 5:00 PM	3	Copper Total	0.078			0.013	6.00	0.014	5.57
220	10/9/13 5:00 PM	3	Chemical Oxygen Demand (COD)	351					120	2.93
221	10/9/13 5:00 PM	3	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	90					30	3.00
222	10/9/13 5:00 PM	3	Ammonia Total (as N)	3.1					2.14	1.45
223	10/9/13 4:40 PM	4	Zinc Total	1.8			0.12	15.00	0.12	15.00
224	10/9/13 4:40 PM	4	Total Suspended Solids (TSS)	128					100	1.15
225	10/9/13 4:40 PM	4	Total Coliform	14000	10000	1.40				
226	10/9/13 4:40 PM	4	Nitrite Plus Nitrate (as N)	6.88					0.68	10.13
227	10/9/13 4:40 PM	4	Fecal Coliform	700	400	1.75				
228	10/9/13 4:40 PM	4	Copper Total	0.19			0.013	14.62	0.014	13.57
229	10/9/13 4:40 PM	4	Chemical Oxygen Demand (COD)	340					120	2.83
230	10/9/13 4:40 PM	4	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	85					30	2.83
231	10/9/13 4:40 PM	4	Ammonia Total (as N)	3.95					2.14	1.83
232	10/9/13 4:10 PM	5	Zinc Total	0.53			0.12	4.42	0.12	4.42
233	10/9/13 4:10 PM	5	Total Suspended Solids (TSS)	439					100	2.33
234	10/9/13 4:10 PM	5	Total Coliform	60000	10000	6.00				
235	10/9/13 4:10 PM	5	Nitrite Plus Nitrate (as N)	7.71					0.68	11.34
236	10/9/13 4:10 PM	5	Fecal Coliform	3000	400	7.50				
237	10/9/13 4:10 PM	5	Copper Total	0.054			0.013	4.15	0.014	3.86
238	10/9/13 4:10 PM	5	Chloride	742	250	2.97				
239	10/9/13 4:10 PM	5	Chemical Oxygen Demand (COD)	210					120	1.75
240	10/9/13 4:10 PM	5	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	61					30	2.03
241	10/9/13 4:10 PM	5	Ammonia Total (as N)	3					2.14	1.40
242	5/6/13 12:00 PM	5	Zinc Total	0.5			0.12	4.17	0.12	4.17
243	5/6/13 12:00 PM	5	Total Suspended Solids (TSS)	153					100	1.53
244	5/6/13 12:00 PM	5	Total Coliform	30000	10000	3.00				
245	5/6/13 12:00 PM	5	Phosphorus Total (as P)	2.35					2	1.18
246	5/6/13 12:00 PM	5	Nitrite Plus Nitrate (as N)	7.18					0.68	10.66
247	5/6/13 12:00 PM	5	Fecal Coliform	30000	400	75.00				
248	5/6/13 12:00 PM	5	Copper Total	0.08			0.013	6.15	0.014	5.71
249	5/6/13 12:00 PM	5	Chemical Oxygen Demand (COD)	257					120	2.14
250	5/6/13 12:00 PM	5	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	120					30	4.00
251	5/6/13 11:40 AM	4	Zinc Total	0.54			0.12	4.50	0.12	4.50
252	5/6/13 11:40 AM	4	Total Coliform	300000	10000	30.00				

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253	5/6/13 11:40 AM	4	Selenium Total	0.077			0.005	15.40	0.005	15.40
254	5/6/13 11:40 AM	4	Nitrite Plus Nitrate (as N)	6.12					0.68	9.00
255	5/6/13 11:40 AM	4	Fecal Coliform	700	400	175				
256	5/6/13 11:40 AM	4	Copper Total	0.11			0.013	8.46	0.014	7.86
257	5/6/13 11:40 AM	4	Chemical Oxygen Demand (COD)	227					170	1.89
258	5/6/13 11:40 AM	4	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	34					36	1.13
259	5/6/13 11:10 AM	3	Total Coliform	27000	10000	275				
260	5/6/13 11:10 AM	3	Nitrite Plus Nitrate (as N)	5.73					0.68	8.43
261	5/6/13 11:10 AM	3	Fecal Coliform	4000	400	10.08				
262	5/6/13 11:10 AM	3	Copper Total	0.04			0.013	3.08	0.014	2.86
263	5/6/13 11:10 AM	3	Chemical Oxygen Demand (COD)	196					170	1.89
264	5/6/13 11:10 AM	3	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	41					36	1.37
265	5/6/13 10:45 AM	2	Zinc Total	0.25			0.12	2.08	0.12	2.08
266	5/6/13 10:45 AM	2	Total Coliform	22000	10000	225				
267	5/6/13 10:45 AM	2	Selenium Total	0.028			0.005	5.60	0.005	5.60
268	5/6/13 10:45 AM	2	Nitrite Plus Nitrate (as N)	4.34					0.68	6.58
269	5/6/13 10:45 AM	2	Fecal Coliform	17000	400	41.52				
270	5/6/13 10:45 AM	2	Copper Total	0.029			0.013	2.23	0.014	2.82
271	5/6/13 10:45 AM	2	Chemical Oxygen Demand (COD)	145					170	1.11
272	5/6/13 10:45 AM	2	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	46					50	1.53
273	5/6/13 10:00 AM	1	Zinc Total	0.55			0.12	4.58	0.12	4.58
274	5/6/13 10:00 AM	1	Total Suspended Solids (TSS)	1080					100	10.80
275	5/6/13 10:00 AM	1	Total Coliform	90000	10000	9.00				
276	5/6/13 10:00 AM	1	Nitrite Plus Nitrate (as N)	3.72					0.68	5.47
277	5/6/13 10:00 AM	1	Fecal Coliform	40000	400	100.00				
278	5/6/13 10:00 AM	1	Copper Total	0.06			0.013	4.62	0.014	4.29
279	5/6/13 10:00 AM	1	Chemical Oxygen Demand (COD)	425					170	3.54
280	5/6/13 10:00 AM	1	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	145					50	4.83
281	2/8/13 3:36 PM	5	Zinc Total	0.38			0.12	3.17	0.12	3.17
282	2/8/13 3:36 PM	5	Total Coliform	60000	10000	5.00				
283	2/8/13 3:36 PM	5	Fecal Coliform	6000	400	15.00				
284	2/8/13 3:36 PM	5	Copper Total	0.05			0.013	3.85	0.014	3.57
285	2/8/13 3:24 PM	4	Zinc Total	0.25			0.12	2.08	0.12	2.08
286	2/8/13 3:24 PM	4	Total Suspended Solids (TSS)	160					100	1.60
287	2/8/13 3:24 PM	4	Nitrite Plus Nitrate (as N)	1.2					0.68	1.76
288	2/8/13 3:24 PM	4	Fecal Coliform	1600	400	4.00				
289	2/8/13 3:24 PM	4	Copper Total	0.03			0.013	2.31	0.014	2.14
290	2/8/13 3:24 PM	4	Chemical Oxygen Demand (COD)	140					170	1.17
291	2/8/13 3:14 PM	3	Zinc Total	0.24			0.12	2.00	0.12	2.00
292	2/8/13 3:14 PM	3	Total Suspended Solids (TSS)	170					100	1.70
293	2/8/13 3:14 PM	3	Nitrite Plus Nitrate (as N)	1					0.68	1.47
294	2/8/13 3:14 PM	3	Copper Total	0.05			0.013	3.85	0.014	3.57
295	2/8/13 3:14 PM	3	Chemical Oxygen Demand (COD)	180					170	1.80
296	2/8/13 2:55 PM	2	Zinc Total	0.23			0.12	1.92	0.12	1.92
297	2/8/13 2:55 PM	2	Total Suspended Solids (TSS)	110					100	1.10
298	2/8/13 2:55 PM	2	Nitrite Plus Nitrate (as N)	0.89					0.68	1.31
299	2/8/13 2:55 PM	2	Copper Total	0.02			0.013	1.54	0.014	1.45
300	2/8/13 2:55 PM	2	Chemical Oxygen Demand (COD)	130					170	1.08
301	2/8/13 2:40 PM	1	Zinc Total	0.23			0.12	1.92	0.12	1.92
302	2/8/13 2:40 PM	1	Total Suspended Solids (TSS)	280					100	2.80
303	2/8/13 2:40 PM	1	Nitrite Plus Nitrate (as N)	2.1					0.68	3.09

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304	2/8/11 2:40 PM	1	Copper Total	0.02			0.013	1.54	0.014	1.41
305	2/8/11 2:40 PM	1	Chloride	298	250	4.15				
306	2/8/11 2:40 PM	1	Chemical Oxygen Demand (COD)	130					130	130
307	2/8/11 2:40 PM	1	Ammonia Total (as N)	2.8					3.14	1.31
308	12/12/11 10:15 AM	5	Zinc Total	0.13			0.12	1.08	0.12	1.08
309	12/12/11 10:15 AM	5	Total Coliform	50000	30000	5.00				
310	12/12/11 10:15 AM	5	Fecal Coliform	3000	400	1.50				
311	12/12/11 10:15 AM	5	Copper Total	0.02			0.013	1.54	0.014	1.41
312	12/12/11 10:00 AM	4	Zinc Total	0.19			0.12	1.58	0.12	1.50
313	12/12/11 10:00 AM	4	Total Suspended Solids (TSS)	130					100	1.50
314	12/12/11 10:00 AM	4	Total Coliform	22000	10000	2.00				
315	12/12/11 10:00 AM	4	Nitrite Plus Nitrate (as N)	7.7					0.68	11.00
316	12/12/11 10:00 AM	4	Fecal Coliform	900	400	0.75				
317	12/12/11 10:00 AM	4	Copper Total	0.03			0.013	1.31	0.014	1.10
318	12/12/11 10:00 AM	4	Chemical Oxygen Demand (COD)	129					120	1.31
319	12/12/11 9:45 AM	3	Zinc Total	0.14			0.12	1.13	0.12	1.01
320	12/12/11 9:45 AM	3	Nitrite Plus Nitrate (as N)	2.32					0.68	5.81
321	12/12/11 9:45 AM	3	Copper Total	0.04			0.013	3.08	0.014	2.85
322	12/12/11 9:45 AM	3	Chemical Oxygen Demand (COD)	159					120	1.11
323	12/12/11 9:45 AM	3	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	32.7					30	1.09
324	12/12/11 9:30 AM	2	Nitrite Plus Nitrate (as N)	1.23					0.68	1.31
325	12/12/11 9:30 AM	2	Copper Total	0.02			0.013	1.54	0.014	1.41
326	12/12/11 9:10 AM	1	Zinc Total	0.68			0.12	5.67	0.12	5.87
327	12/12/11 9:10 AM	3	Total Suspended Solids (TSS)	3800	18000	1.30			100	1.00
328	12/12/11 9:10 AM	1	Total Coliform	22000	18000	1.30				
329	12/12/11 9:10 AM	3	Nitrite Plus Nitrate (as N)	1.6					0.68	1.35
330	12/12/11 9:10 AM	1	Mercury Total	0.18					0.0014	12.57
331	12/12/11 9:10 AM	1	Fecal Coliform	5000	400	12.50				
332	12/12/11 9:10 AM	1	Copper Total	0.2			0.013	15.00	0.014	14.37
333	12/12/11 9:10 AM	1	Chemical Oxygen Demand (COD)	152					120	1.31
334	12/12/11 9:10 AM	1	Ammonia Total (as N)	3.9					2.14	1.81
335	11/4/11 12:50 PM	5	Zinc Total	0.4			0.12	3.33	0.12	3.11
336	11/4/11 12:50 PM	5	Total Coliform	30000	18000	5.00				
337	11/4/11 12:50 PM	5	Nitrite Plus Nitrate (as N)	1.1					0.68	1.31
338	11/4/11 12:50 PM	5	Fecal Coliform	22000	400	1.00				
339	11/4/11 12:50 PM	5	Copper Total	0.05			0.013	1.85	0.014	1.51
340	11/4/11 12:50 PM	5	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	31					30	1.03
341	11/4/11 12:50 PM	5	Ammonia Total (as N)	3.2					2.14	1.81
342	11/4/11 12:30 PM	4	Zinc Total	0.4			0.12	3.33	0.12	3.11
343	11/4/11 12:30 PM	4	Total Suspended Solids (TSS)	236					100	1.50
344	11/4/11 12:30 PM	4	Total Coliform	60000	10000	1.00				
345	11/4/11 12:30 PM	4	Nitrite Plus Nitrate (as N)	1.4					0.68	1.85
346	11/4/11 12:30 PM	4	Fecal Coliform	50000	400	1.00				
347	11/4/11 12:30 PM	4	Copper Total	0.05			0.013	1.85	0.014	1.51
348	11/4/11 12:30 PM	4	Chemical Oxygen Demand (COD)	246					120	1.85
349	11/4/11 12:30 PM	4	Ammonia Total (as N)	3					2.14	1.40
350	11/4/11 12:15 PM	3	Zinc Total	0.3			0.12	2.50	0.12	1.50
351	11/4/11 12:15 PM	3	Total Coliform	150000	10000	1.00				
352	11/4/11 12:15 PM	3	Nitrite Plus Nitrate (as N)	1.6					0.68	1.35
353	11/4/11 12:15 PM	3	Mercury Total	0.2					0.0014	11.85
354	11/4/11 12:15 PM	3	Fecal Coliform	60000	400	1.00				
355	11/4/11 12:15 PM	3	Copper Total	0.06			0.013	4.52	0.014	4.27
356	11/4/11 12:15 PM	3	Chemical Oxygen Demand (COD)	240					120	1.85

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357	11/4/11 12:15 PM	3	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	38					30	1.27
358	11/4/11 12:15 PM	3	Ammonia Total (as N)	8.1					2.14	2.79
359	11/4/11 12:00 PM	2	Zinc Total	0.3			0.12	2.50	0.12	2.50
360	11/4/11 12:00 PM	2	Total Suspended Solids (TSS)	148					100	1.48
361	11/4/11 12:00 PM	2	Total Coliform	30000	10000	300				
362	11/4/11 12:00 PM	2	Nitrite Plus Nitrate (as N)	1.9					0.58	1.79
363	11/4/11 12:00 PM	2	Mercury Total	0.2					0.0014	142.85
364	11/4/11 12:00 PM	2	Fecal Coliform	30000	400	75.00				
365	11/4/11 12:00 PM	2	Copper Total	0.05			0.013	3.85	0.014	2.57
366	11/4/11 12:00 PM	2	Chemical Oxygen Demand (COD)	263					120	2.19
367	11/4/11 12:00 PM	2	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	35					35	1.17
368	11/4/11 12:00 PM	2	Ammonia Total (as N)	7.6					2.14	2.54
369	11/4/11 11:40 AM	1	Zinc Total	1.4			0.12	11.67	0.12	11.67
370	11/4/11 11:40 AM	1	Total Suspended Solids (TSS)	1680					100	20.80
371	11/4/11 11:40 AM	1	Total Coliform	130000	10000	13.00				
372	11/4/11 11:40 AM	1	Nitrite Plus Nitrate (as N)	4.3					0.58	0.92
373	11/4/11 11:40 AM	1	Mercury Total	0.08					0.0014	57.14
374	11/4/11 11:40 AM	1	Fecal Coliform	110000	400	275.00				
375	11/4/11 11:40 AM	1	Copper Total	0.3			0.013	23.08	0.014	21.43
376	11/4/11 11:40 AM	1	Chloride	653	250	2.51				
377	11/4/11 11:40 AM		Chemical Oxygen Demand (COD)	556					120	4.63
378	11/4/11 11:40 AM	1	Cadmium Total	0.004			0.0043	0.93	0.0021	1.90
379	11/4/11 11:40 AM	1	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C)	54					30	1.80
380	11/4/11 11:40 AM	1	Ammonia Total (as N)	72.4					2.14	23.93
381	5/17/2011 10:30	1	Zinc Total	0.32			0.12	2.67	0.12	2.67
382	5/17/2011 10:30	2	Zinc Total	0.12			0.12	1.00	0.12	1.00
383	5/17/2011 10:30	4	Zinc Total	0.63			0.12	5.25	0.12	9.25
384	5/17/2011 10:30	4	Total Suspended Solids (TSS)	1500					100	15.00
385	5/17/2011 10:30	1	Total Suspended Solids (TSS)	150					100	1.50
386	5/17/2011 10:30	1	Nitrogen (total)	4.7					0.58	8.81
387	5/17/2011 10:30	3	Nitrogen (total)	1.2					0.58	1.75
388	5/17/2011 10:30	4	Nitrogen (total)	1.9					0.58	2.79
389	5/17/2011 10:30	1	Copper Total	0.03			0.013	2.31	0.014	2.34
390	5/17/2011 10:30	2	Copper Total	0.037			0.013	2.85	0.014	2.84
391	5/17/2011 10:30	3	Copper Total	0.029			0.013	2.23	0.014	2.07
392	5/17/2011 10:30	4	Copper Total	0.12			0.013	9.23	0.014	8.57
393	5/17/2011 10:30	5	Copper Total	0.024			0.013	1.85	0.014	1.71
394	5/17/2011 10:30	1	Chloride	380	250	1.52				
395	5/17/2011 10:30	5	Chloride	280	250	1.12				

*All units are mg/L except bacteria, which is reported in (MPN/100mL)

No.	Date/time of sample collection	Parameter	Result	Basin Plan Standard	Magnitude of exceedance	CTR Standard	Magnitude of exceedance	MSGP Standard	Magnitude of exceedance
1	4/7/16 2:00 PM	Zinc Total	0.14			0.09	1.56	0.09	1.25
2	4/7/16 2:00 PM	Enterococci	2300	104	22.12				
3	4/7/16 1:40 PM	Zinc Total	0.28			0.09	3.11	0.09	1.25
4	4/7/16 1:40 PM	Enterococci	2800	104	26.92				
5	4/7/16 1:40 PM	Copper Total	0.023			0.0048	4.79	0.0048	4.79
6	4/7/16 1:10 PM	Zinc Total	0.25			0.09	2.78	0.09	1.25
7	4/7/16 1:10 PM	Enterococci	3000	104	28.85				
8	4/7/16 12:40 PM	Zinc Total	0.6			0.09	6.67	0.09	1.25
9	4/7/16 12:40 PM	Enterococci	800	104	7.69				
10	4/7/16 12:40 PM	Copper Total	0.045			0.0048	9.38	0.0048	9.38
11	12/22/15 10:15 AM	Zinc Total	0.15			0.09	1.67	0.09	1.67
12	12/22/15 10:15 AM	Enterococci	3000	104	28.85				
13	12/22/15 10:15 AM	Copper Total	0.03			0.0048	6.25	0.0048	6.25
14	12/22/15 10:00 AM	Zinc Total	0.12			0.09	1.33	0.09	1.33
15	12/22/15 10:00 AM	Enterococci	400	104	2.85				
16	12/22/15 10:00 AM	Copper Total	0.014			0.0048	2.92	0.0048	2.92
17	12/22/15 9:20 AM	Enterococci	500	104	4.81				
18	12/22/15 8:40 AM	Zinc Total	0.82			0.09	9.11	0.09	9.11
19	12/22/15 8:40 AM	Enterococci	1400	104	13.48				
20	12/22/15 8:40 AM	Copper Total	0.041			0.0048	8.54	0.0048	8.54
21	9/15/15 12:20 PM	Zinc Total	0.17			0.09	1.89	0.09	1.89
22	9/15/15 12:20 PM	Enterococci	17000	104	163.46				
23	9/15/15 12:20 PM	Copper Total	0.015			0.0048	3.13	0.0048	3.13
24	9/15/15 11:40 AM	Zinc Total	2.35			0.09	4.33	0.09	4.33
25	9/15/15 11:40 AM	Enterococci	50000	104	480.77				
26	9/15/15 11:40 AM	Copper Total	0.024			0.0048	5.00	0.0048	5.00
27	9/15/15 10:40 AM	Zinc Total	0.32			0.09	3.56	0.09	3.56
28	9/15/15 10:40 AM	Enterococci	11000	104	105.77				
29	9/15/15 10:40 AM	Copper Total	0.041			0.0048	8.54	0.0048	8.54
30	9/15/15 10:20 AM	Zinc Total	0.44			0.09	4.89	0.09	4.89
31	9/15/15 10:20 AM	Enterococci	170000	104	1634.62				
32	9/15/15 10:20 AM	Copper Total	0.064			0.0048	13.33	0.0048	13.33
33	12/12/14 8:20 AM	Zinc Total	0.15			0.09	1.67	0.09	1.67
34	12/12/14 8:20 AM	Copper Total	0.022			0.0048	4.58	0.0048	4.58
35	12/12/14 8:05 AM	Zinc Total	0.098			0.09	1.09	0.09	1.09
36	12/12/14 8:05 AM	Copper Total	0.023			0.0048	4.79	0.0048	4.79
37	12/12/14 7:45 AM	Zinc Total	0.12			0.09	1.33	0.09	1.33
38	12/12/14 7:45 AM	Copper Total	0.023			0.0048	4.79	0.0048	4.79
39	12/12/14 7:15 AM	Zinc Total	0.23			0.09	2.56	0.09	2.56
40	12/12/14 7:15 AM	Copper Total	0.03			0.0048	6.25	0.0048	6.25
41	12/2/14 5:55 PM	Zinc Total	0.11			0.09	1.22	0.09	1.22
42	12/2/14 5:55 PM	Enterococci	40000	104	384.62				
43	12/2/14 5:55 PM	Copper Total	0.013			0.0048	2.71	0.0048	2.71
44	12/2/14 5:45 PM	Zinc Total	0.3			0.09	3.33	0.09	3.33
45	12/2/14 5:45 PM	Enterococci	11000	104	105.77				
46	12/2/14 5:45 PM	Copper Total	0.02			0.0048	4.17	0.0048	4.17

Saltwater Standards

47	12/2/14 5:20 PM	Zinc Total	0.13			0.09	1.44	0.09	1.44
48	12/2/14 5:20 PM	Enterococci	12000	104	115.98				
49	12/2/14 5:20 PM	Copper Total	0.023			0.0048	4.79	0.0048	4.79
50	12/2/14 5:10 PM	Zinc Total	0.37			0.09	4.11	0.09	4.11
51	12/2/14 5:10 PM	Enterococci	24000	104	230.77				
52	12/2/14 5:10 PM	Copper Total	0.036			0.0048	7.50	0.0048	7.50
53	12/7/13 3:20 PM	Zinc Total	0.097			0.09	1.08	0.09	1.08
54	12/7/13 3:20 PM	Copper Total	0.017			0.0048	3.54	0.0048	3.54
55	12/7/13 3:00 PM	Zinc Total	0.13			0.09	1.44	0.09	1.44
56	12/7/13 2:40 PM	Zinc Total	0.1			0.09	1.11	0.09	1.11
57	12/7/13 2:40 PM	Copper Total	0.027			0.0048	5.63	0.0048	5.63
58	12/7/13 2:25 PM	Zinc Total	0.12			0.09	1.33	0.09	1.33
59	12/7/13 2:25 PM	Copper Total	0.031			0.0048	6.46	0.0048	6.46
60	12/7/13 1:55 PM	Zinc Total	0.14			0.09	1.56	0.09	1.56
61	12/7/13 1:55 PM	Copper Total	0.02			0.0048	4.17	0.0048	4.17
62	10/9/13 6:00 PM	Zinc Total	0.66			0.09	7.33	0.09	7.33
63	10/9/13 6:00 PM	Copper Total	0.096			0.0048	20.00	0.0048	20.00
64	10/9/13 5:30 PM	Zinc Total	0.4			0.09	4.44	0.09	4.44
65	10/9/13 5:30 PM	Copper Total	0.079			0.0048	16.46	0.0048	16.46
66	10/9/13 5:00 PM	Zinc Total	0.38			0.09	4.22	0.09	4.22
67	10/9/13 5:00 PM	Copper Total	0.078			0.0048	16.25	0.0048	16.25
68	10/9/13 4:40 PM	Zinc Total	1.8			0.09	20.00	0.09	20.00
69	10/9/13 4:40 PM	Copper Total	0.19			0.0048	39.58	0.0048	39.58
70	10/9/13 4:10 PM	Zinc Total	0.53			0.09	5.89	0.09	5.89
71	10/9/13 4:10 PM	Copper Total	0.054			0.0048	11.25	0.0048	11.25
72	5/6/13 12:00 PM	Zinc Total	0.5			0.09	5.56	0.09	5.56
73	5/6/13 12:00 PM	Copper Total	0.08			0.0048	16.67	0.0048	16.67
74	5/6/13 11:40 AM	Zinc Total	0.54			0.09	6.00	0.09	6.00
75	5/6/13 11:40 AM	Copper Total	0.11			0.0048	22.92	0.0048	22.92
76	5/6/13 11:10 AM	Zinc Total	0.091			0.09	1.01	0.09	1.01
77	5/6/13 11:10 AM	Copper Total	0.04			0.0048	8.33	0.0048	8.33
78	5/6/13 10:45 AM	Zinc Total	0.25			0.09	2.78	0.09	2.78
79	5/6/13 10:45 AM	Copper Total	0.029			0.0048	6.04	0.0048	6.04
80	5/6/13 10:00 AM	Zinc Total	0.55			0.09	6.11	0.09	6.11
81	5/6/13 10:00 AM	Copper Total	0.06			0.0048	12.50	0.0048	12.50
82	2/8/13 3:36 PM	Zinc Total	0.38			0.09	4.22	0.09	4.22
83	2/8/13 3:36 PM	Copper Total	0.05			0.0048	10.42	0.0048	10.42
84	2/8/13 3:24 PM	Zinc Total	0.25			0.09	2.78	0.09	2.78
85	2/8/13 3:24 PM	Copper Total	0.03			0.0048	6.25	0.0048	6.25
86	2/8/13 3:14 PM	Zinc Total	0.24			0.09	2.67	0.09	2.67
87	2/8/13 3:14 PM	Copper Total	0.05			0.0048	10.42	0.0048	10.42
88	2/8/13 2:55 PM	Zinc Total	0.23			0.09	2.56	0.09	2.56
89	2/8/13 2:55 PM	Copper Total	0.02			0.0048	4.17	0.0048	4.17
90	2/8/13 2:40 PM	Zinc Total	0.23			0.09	2.56	0.09	2.56
91	2/8/13 2:40 PM	Copper Total	0.02			0.0048	4.17	0.0048	4.17
92	12/12/11 10:15 AM	Zinc Total	0.13			0.09	1.44	0.09	1.44
93	12/12/11 10:15 AM	Copper Total	0.02			0.0048	4.17	0.0048	4.17

94	12/12/11 10:00 AM	Zinc Total	0.19			0.09	2.11	0.09	2.11
95	12/12/11 10:00 AM	Copper Total	0.03			0.0048	6.25	0.0048	6.25
96	12/12/11 9:45 AM	Zinc Total	0.14			0.09	1.56	0.09	1.56
97	12/12/11 9:45 AM	Copper Total	0.04			0.0048	8.33	0.0048	8.33
98	12/12/11 9:30 AM	Copper Total	0.02			0.0048	4.17	0.0048	4.17
99	12/12/11 9:10 AM	Zinc Total	0.68			0.09	7.56	0.09	7.56
100	12/12/11 9:10 AM	Copper Total	0.2			0.0048	41.67	0.0048	41.67
101	11/4/11 12:50 PM	Zinc Total	0.4			0.09	4.44	0.09	4.44
102	11/4/11 12:50 PM	Copper Total	0.05			0.0048	10.42	0.0048	10.42
103	11/4/11 12:30 PM	Zinc Total	0.4			0.09	4.44	0.09	4.44
104	11/4/11 12:30 PM	Copper Total	0.05			0.0048	10.42	0.0048	10.42
105	11/4/11 12:15 PM	Zinc Total	0.3			0.09	3.33	0.09	3.33
106	11/4/11 12:15 PM	Copper Total	0.06			0.0048	12.50	0.0048	12.50
107	11/4/11 12:00 PM	Zinc Total	0.3			0.09	3.33	0.09	3.33
108	11/4/11 12:00 PM	Copper Total	0.05			0.0048	10.42	0.0048	10.42
109	11/4/11 11:40 AM	Zinc Total	1.4			0.09	15.56	0.09	15.56
110	11/4/11 11:40 AM	Copper Total	0.3			0.0048	62.50	0.0048	62.50
111	5/17/2011 10:30	Zinc Total	0.32			0.09	3.56	0.09	3.56
112	5/17/2011 10:30	Zinc Total	0.12			0.09	1.33	0.09	1.33
113	5/17/2011 10:30	Zinc Total	0.63			0.09	7.00	0.09	7.00
114	5/17/2011 10:30	Copper Total	0.03			0.0048	6.25	0.0048	6.25
115	5/17/2011 10:30	Copper Total	0.037			0.0048	7.71	0.0048	7.71
116	5/17/2011 10:30	Copper Total	0.029			0.0048	6.04	0.0048	6.04
117	5/17/2011 10:30	Copper Total	0.12			0.0048	25.00	0.0048	25.00
118	5/17/2011 10:30	Copper Total	0.024			0.0048	5.00	0.0048	5.00

*All units are mg/L except bacteria, which is reported in (MPN/100mL)